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OF THE

SURTEES SOCIETY.

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PUBLICATIONS

OF THE

SURTEES SOCIETY

ESTABLISHED IN THE YEAR

M.DCCC.XXXIV.



VOL. LXIX,

FOR THE YEAR M.DCCC.LXXVIII.

CARTULARIUM

ABBATHIÆ DE WHITEBY

ORDINIS S. BENEDICTI

FUNDATÆ ANNO MLXXVIII.

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1879.

At a Meeting of the Council of the Surtees Society, held in Durham Castle, on Tuesday, March 9th, 1871, it was

Ordered, That the Chartulary of Whitby should be edited for the Society by the Rev. J. C. Atkinson, of Danby.

James Raine,
Secretary.

PREFACE.

THE source from which the material part of the contents of the present volume is derived is an ancient manuscript book in the possession of Sir Charles Strickland, and obligingly placed by him in the hands of the present editor, in order to enable the Surtees Society to add the Whitby Chartulary to its series. It is a small volume, 8¾ inches long by 6 broad, and, inclusive of its oak boards, about 2½ inches thick. In Dr. Young's description of it,[1] it is said to contain "144 leaves of vellum, with an appendix of strong paper. The greater part of it," he continues, "is beautifully written, with the initial capitals illuminated or painted. About seventy leaves have been written in one hand, beginning with the charter of the first William de Percy on the leaf now marked 8;" which, as he remarks in a note, has been, as is quite obvious, originally intended to be the first leaf. "The seven leaves immediately preceding the one marked 8 have been filled up before the leaves were numbered, and are chiefly occupied with small charters. Six blank leaves still remained in the front of the book. Of these the two next before that marked 1 contain an

[1] *History of Whitby*, i. 266.

ancient index to the volume; in the other four we find a catalogue of the library, a long memorial of the founding of the Abbey, and of its possessions, a copy of the questions put to the abbot at his consecration, and the memorial respecting Benedict and his successors." But this historian does not note the fact that the four leaves, the contents of which he thus specifies, are considerably narrower than those that follow them, and had evidently been written long before the volume itself was formed or bound, and that all the leaves which follow up to that now marked 8 are, as clearly as their four predecessors, likewise insertions before that which he rightly describes as originally intended to be the first leaf. Neither does he notice the fact, that six leaves have been cut out out of the nine which intervened between the last page of the index and that which is numbered 1. The leaf marked 71 is the first in a different hand from that of its sixty-eight predecessors, and the reverse is in yet another and later hand; and then follow from 72 to 114 in a hand distinctively different from, and at least a century later than, that of leaf 8 *et seq.*; a fresh hand again, and not much later than the last, begins at the foot of leaf 114, and continues to the foot of leaf 124. From this point to the end of the parchment part of the book the entries are in several different hands, and several blank pages and some excisions occur.

Young notes that "the charters in this register are not arranged in the order of time; that the plan pursued is to place together the documents relating

to the same subject,"—which, with some reservations, not unimportant, is true. He also remarks that "a number of the charters belonging to the Abbey are not to be found in this volume," as also that "this book is not the only Whitby Register; for we find in Tanner's *Notitia* (p. 632) that there was another bought at a sale by the Earl of Kent; besides others consulted by Dodsworth."[1] Both these statements are also correct; and in the second of the present volumes will be found upwards of 150 charters mainly derived from another copy of the Chartulary preserved among the "ADDITIONAL MSS." series in the British Museum, several others also coming from original sources or from Dodsworth's *Collections*.[2] As regards the copy purchased by the Earl of Kent, it has, so far, been found impossible to trace it. No clew even to what may possibly have become of it seems to be obtainable. This is unfortunate, for, to judge by what has been given up by the Museum copy—even when the existing lacunæ in it are allowed for—several of the important early charters known to be missing might possibly, or even probably, have been recovered in it. Unhappily too much that must have been in existence in Charlton's time, and even in Dr. Young's, has now disappeared; while from entries in Dodsworth it is apparent that, at a date about a century earlier than Charlton's, other important historical documents were

[1] *Whitby*, i. 268, and note.

[2] The Museum copy, which is marked "Add. MSS. 4715," will be more specifically dealt with in the second volume, where the conclusions arrived at by the editor as to the other possible or supposed copies assumed to have been available by Dodsworth or the writers he copies from, will also be stated.

in possession of the lords of Whitby. Possibly, or more than possibly, the entries in the foremost page of Sir C. Strickland's copy, dated respectively 1671 and 1683, may suggest that up to that time suchlike ancient relics were carefully preserved, and from time to time officially inspected. The thanks of the Society are specially due to Sir Charles Strickland for his kind courtesy in placing his book, and whatever other ancient documents he still retains, in the editor's hands for the purposes of the present volumes. The editor has also to thank the Rev. W. Greenwell, Canon Raine, Professor Stubbs, and another friend who does not wish a public acknowledgment, for their kind and valuable assistance in compiling the present volumes. But especially are his thanks due to William Brown, of Arncliff Hall, Esq., for his unwearied kindness and diligence in transcribing, collating, and working up references. It was by this gentleman that the editor's copy was collated with the Museum copy so far as the charters, etc., in each were coincident, and that copies of the charters not in the Whitby copy were made for future collation by the editor himself. Overburdened as the editor is by the toils and cares, clerical and secular, of a very large parish, the present volumes could not have seen the light for many a day—perhaps even years—had it not been for Mr. Brown's disinterested, painstaking, and most efficient, as well as long-continued help.

J. C. Atkinson.

Danby, *August* 30, 1879.

INTRODUCTORY CHAPTERS.

CHAPTER I.

The first authentic mention of the place now called Whitby appears to have been made by Bede in his *History of the Church,* and from his mention of the place its name in 656 was Streanæshalch:—at least, I think it is a fair inference from his words that that name had been already imposed before the foundation of the Anglo-Saxon monastery took place.

That this name had—like all other place-names—its own proper signification, is a matter of absolute certainty: what that signification may have been is, however, almost equally uncertain. Certainly, as I have said elsewhere,[1] Bede's interpretation—"Streanæshalc, quod interpretatur Sinus Fari"—ought to be satisfactory; but it is not, for the name consists of two elements, neither of which, as it would seem, can possibly mean *sinus,* or bay. Touching this, Young, the Whitby historian, remarks—"I am fully persuaded that this interpretation must be erroneous; but as it is not likely that Bede himself could mistake its meaning, I am disposed to think that the passage is an interpolation by some ignorant transcriber, or rather that 'Sinus fari' is not the true reading;" and he adds that, though Henry of Huntingdon, Matthew of Westminster, and other ancient authors, have quoted Bede's explanation of Heortea or Heoruteu, none of them, save Roger Hoveden alone, have quoted the translation (of Streanæshalch, namely) 'Sinus fari.'"

[1] *History of Cleveland, Ancient and Modern,* i. 135.

For myself, after a good deal of patient investigation bestowed upon the derivation of the place-names of the district, I have no doubt that the first element in the name is what so large a majority of the prefixes in our local nomenclature clearly are, and that is the name of a person. Such a name existed in the eleventh century, in the form of an agnomen or nickname—Mr. Freeman calls it a surname—in the case of Edric Streone, and we find it as a prefix in the name Streonbercht, which occurs in the Liber Vitæ. But as to the meaning of the suffix, that is clearly uncertain. There can be little doubt, however, that *-healch*, *-halch*, or *-halc*, is the true form, and I look upon the forms *-halh*, *-healh*, *-heale*, quoted by Young, as merely worn forms, or, in other words, forms from which the *c* has dropped out by usage. While, from the occurrence of the same suffix in a local name met with in some early documents contained in the Whitby Chartulary, in the twofold forms *-halc*, *-halef*,[1] I am inclined to think that the final *ch* was dealt with in pronunciation precisely as it was—and is—in other words in which it is found; and I specify Old Anglian *gruch*, which is printed "grudge" in our Prayer-book version of the Psalms, and is sounded *gruff* in the Cleveland vernacular.[2] And if this be so, it is as nearly certain as can be that there may be a close connection, if not a perfect identity, between the *-halch* in Bede's "Streanæshalch," and the word of such common occurrence in North Britain, which is written by Jamieson *heuch*, *hewch*, *heugh*, and sounded nearly as *heuff* is.

And in support of this view I would remark that the name Streanæshalch or Streoneshalc was, beyond all doubt, applied to the site of the Monastery—that is, to the level space environed on two sides by the steep precipices of the cliffs whereon Hilda's "Holy house" undoubtedly stood. For there is no question that, at the period of Domesday, Whitby—then written Witebi—and Prestebi were two distinct places. Indeed, soke of the latter appertained to the Manor of Witebi. While, at the very outset of the most ancient writing in the

[1] See No. 229 and notes, and No. 247.

[2] Other instances are *slaffter*=slaughter, *daffter*=daughter, *thruff*=through, *pleuff*=plough, *beuff*=bough, etc.

volume, called indiscriminately "The Abbot's Book," "The Whitby Register," or "The Whitby Chartulary"—which writing dates most likely not much, if at all, below 1160, and is described as the "Memorial of Benefactions," whereas the newly-founded abbey is spoken of as situate "in loco qui olim Streoneshalc vocabatur, deinde Prestebi appellabatur, nunc vero Witebi vocatur," still the first donation by William de Perci, the founder, of two carucates of land—inclusive necessarily of the site itself—is stated to have been at Prestebi; a statement which, as is apparent, not only involves a contradistinction between Witebi and Prestebi in 1070—the latter being merely the ancient (or Anglian) Streneshalc under a newer (namely a Danish) name—but also proves that the name Witebi of 1150-1160, when the restored Abbey had become the great distinguishing or characterising feature of the district, had come to be a name absorbing within itself, and so superseding, the older distinctive local name of Prestebi, just as the latter had itself, some two or three centuries before, superseded the still older name of Streneshalch.

For, as already intimated, there is no doubt where the Anglo-Saxon Monastery stood, and therefore no doubt where "the place which used to be called Streneshalc" had its locality, even if the point were not settled by the short Latin extract given a little above. The great "kitchen-midding" which is known to exist in so many places at the foot of the bank above which slopes the "Almary Field," is quite sufficient as an index to the site of the domestic buildings of the elder monastery; and, indeed, a very cursory glance at the brae of the said bank, even without the remembrance of the runed Anglo-Saxon comb found there (and now in the local museum), would go very far towards enforcing the same conclusion; it is full of the matters which go to constitute what is understood by a kitchen-midding.

Setting, therefore, side by side the certainty that the ascertained site of Streanæshalc was a level space girt in for many hundred yards with precipitous cliffs—in other terms, a "heugh"—and the philological probability, or more, that *halch*, *halc*, *halef*, *heuch*, *heugh*, are only differing forms of the same word, I think we have a more reasonable derivation of the

old name for Whitby than those that have hitherto been suggested.

I have thought it well to give so much space to a notice of the possible signification of the name and of the "local habitation" of the ancient Streanæshalch, because no small portion of the interest attaching to the ancient history of Whitby—and it is hard, if not impossible, to separate between the ecclesiastical and the secular history in those old days—of necessity connects itself with the elder monastery.

It has been noticed elsewhere that the materials for compiling anything like a connected history of the pre-Norman Monastery at Whitby are not only sufficiently scanty, but are also such as not to be clear of many elements of doubt and uncertainty. Here, however, it may be sufficient to state that the main facts of its foundation by Hild or Hilda, and of the date of the foundation—namely, about two years after the battle of Winwidfield (which was fought in November 654), may be looked upon as resting on the positive testimony of Bede. It is not clear how the lady Hild acquired possession of the land on which the Monastery was built. Young says she "purchased a possession of ten hydes of land in a [he should have written *the*] place called Streoneshalh," but admits in a note that "purchased" may not be the right word to employ, notwithstanding that (as he adds) "the Saxon version clearly states that she 'bought' it;" the fact really being that the Saxon version employs a word which no doubt means "bought," but also as certainly means "procured;" while the Latin version employs the terms, "comparata possessione decem familiarum" (having become possessed of ten hides). Now Oswiu had vowed, before Winwidfield, to give twelve possessions, if victorious, for the building of monasteries; and, the victory won, he gave them, six in Bernicia and six in Deira; of which last district Cleveland was a constituent part. And as King Oswiu's daughter, with whom these "possessions" were given, entered the Monastery of Heoruteu, of which Hilda was then abbess, there seems to be every antecedent probability that the "decem familiæ" at Streoneshalch were a part of Oswy's original grant for monastery-building purposes.

The character, the dimensions, and the precise site of the

early church thus presupposed, and of its connected buildings, are all concealed in utter obscurity. Probably it was originally a rude, rather than merely a plain, structure; very likely, in the first instance, framed of split trunks of trees adjusted side by side so as to give a partially smooth surface within, with thatch of straw or rushes, and side-lights only partially secured by slight lattice-work of split wood. And, no doubt, the dwellings for the abbess, her nuns, and the servants of the house, would be in accordance with the early rudeness of the church itself, not better but rather worse, or more rude and inartistic.

Still it must be borne in mind that the place was neither unknown nor unnamed. Although discarding, as utterly without support, Young's ideas that "there cannot be a doubt Whitby was a place of some importance under the Roman Government" (conceding, however, that "their coasting vessels may have frequented the harbour"), and that Dunsley Bay is the Dunum Sinus of Ptolemy[1]—for the scarcity of Roman relics at Whitby, in common with the rest of Cleveland, is so marked as to call for special regard,—I hold it to be a reasonable supposition that the seafaring folk who occupied the district subsequently to the departure of the Romans from Britain (even if not for some considerable time before) would not be slow to note, and to improve, the natural advantages presented by the harbour as well as the soil. In other words, I cannot but think that Streoneshalch, when Hilda availed herself of Oswiu's pious donation, was already a place not only of some importance, but one in which what in these modern days is implied by the word "progress" was certainly by no means unknown. And from other considerations I think it was, as elsewhere remarked, already a place of some celebrity. For, although after the disastrous battle of Hæthfelt, in which King Ædwin lost his life, the head of the slain monarch was taken to York, and eventually deposited in the Church of St. Peter, which he had himself

[1] I discard the surmise as to the Dunum Sinus as incorrect. The first portion of this name (*Dunseleia*) is clearly identical with the Dun in such place names as Dunesdene, Dunesford, Dunestal, Dunestone, Dunesbi, Dunetorp, Duntune, all from Domesday, and there is little doubt that the name is of Anglian or Old English imposition.

begun, yet his body was in the sequel buried at Streoneshalch. The year of his death was 633; that of the foundation of the monastery 656 or 657. The inevitable conclusion therefore is, that the burial took place many years before the foundation of the religious house, and consequently that the place itself, and the Church (of St. Peter) in which he was buried, were both already places of mark. Certainly Bede states that Ædwin, as well as Ealfleda, with her father and mother, Oswiu and Eanfled, and many other noble persons, were buried "in St. Peter's Church in the monastery;" but while it was natural enough that Oswiu, who died about thirteen years after the foundation, and his queen, and not a few among the principal nobles as well, should be buried in the monastery, still as no hint is given that Ædwin's body had been removed from a former resting-place in order to its deposit in the newly-built monastery, the strong presumption is that he had been buried at Streoneshalch immediately after his death, and consequently that Streoneshalch was already a place of note.

At all events, no long time elapsed before the place became both famous and important. According to the statement of William of Malmesbury, it was "the largest of the monasteries founded by Oswy's bounty," and, as Dr. Young well remarks, its "increase might naturally be expected both from the rank and character of the Abbess and the dignity of her youthful charge. Every one who adopted the monastic life would be eager to enter an abbey where a lady so illustrious presided, and where a young princess was a disciple. Oswy and his queen would be the first to patronise an establishment which contained an object so dear to them. The fame of the lady Hilda was spread abroad; she was visited by persons of the most exalted station, and her monastery became the scene of important transactions."[1]

The "important transaction" specially in the mind of the Whitby historian as he penned those words would naturally be the famous Synod of Streoneshalch in 663 or 664, summoned for the purpose of settling the disputes which agitated the early Northern Church touching the precise time for keeping Easter, the priestly tonsure, and one or two minor matters. King

[1] Young's *Whitby*, i. 151, 152.

Oswiu himself presided at this council, and besides him were present his son Alchfrid, who was also a reigning prince; Bishops Colman and Agilberct, each with a train of clergy; Romanus, the Queen's chaplain; the venerable James, long associated with Paulinus; and of course the lady Hilda herself. There is no need here to dwell on the issue of the Synod. It is the fact of the Synod itself which arrests the attention and fixes our thoughts for a moment as we proceed, helping us to realise one little scene in the veritable life and action of those days, and to localise it as having been enacted on a stage, the scenery of which our own eyes may be familiar with as belonging to one of the pleasant places of modern seaside resort.

Nor was it only thus that Streoneshalch was a place of importance and distinction. The institution from among whose foster-children a poet like Cædmon (setting altogether on one side the old-world fable of his miraculous inspiration), and bishops like Bosa and John (both of York), could have been furnished forth, must have been one in which there was real life and activity in intellectual as well as in spiritual and religious matters. That Hilda herself was an extraordinary woman, and would have made her mark in any age, is a matter which scarcely admits of two varying views. And the presence of such a woman, in such times and under such fostering circumstances, might alone have been taken as a guarantee that much and wisely-organised labour and effort would be steadily brought to bear on the great objects of early religious life. We may doubtless, without much compunction, discard the tales of Cædmon's strangely-timed "inspiration," and John's miraculous performances, as simply due to the legend-loving temper and quality of the times wherein the record was compiled; but there will still remain more than enough to show that good men and true were working with brain and pen and hand and life, and that their spirit, and will, and energy of working were fostered and guided, as well as inspired from the fountain-head of Hilda's monastery at Streoneshalch.

Hilda appears to have died in the year 680, and she was succeeded by her royal pupil Ælfleda, who, for several years after she became Abbess, had not only the benefit of her mother's presence and support in the discharge of her onerous duties, but

also the counsel and aid of the wise and pious Bishop Trumwine, who took refuge at Streoneshalch when driven from his own district by the inroads of the Picts, and other Northern enemies. Her death took place in the fifty-ninth year of her age, and consequently in the year 713.

After the death of Ælfleda a blank in the history of Streoneshalch occurs, so complete, that during a period of a century and a half no record at all of its work or progress—or, it might well be eventually, according to an apparent law in such matters, of its falling off and declension—is known to have existed. It seems strange that such should be the state of the case, for we have the amplest assurance from the bare outline of facts already stated, that a period of extraordinary diligence and activity in the special work of a Seminary of Ecclesiastical learning and discipline had, as of necessity, witnessed the rearing of a succession of devoted and able men, rising one after another to posts of the highest dignity and importance. Independently of the accessions to the number and influence of the inmates of the Monastery which would be made in such cases as that of Bishop Trumwine and his attendants—quite possibly a by no means singular case in those days—there must have been a large body of duly taught and trained men there, long after Ælfleda's decease; and it seems hard to believe that no one among them all should have been found willing a ndable, and even zealous, to chronicle the annals of his House. But so it seems to be. If any record was kept, the writings were lost or destroyed, and we hear no more of Streoneshalch until we hear of it in its ruin under the incursion of the Danes. The accounts given of the destruction of the Monastery, and the attendant ravages in the adjacent district, by the different annalists who record the circumstances, are not altogether consistent; and they consequently need close sifting and comparison if we seek to elicit the truth. For this there is no space here, and we must be contented with the bare statement, that from about 867-870 the place was laid waste, and the desolation of the once "Holy House" was a lasting one. "Streoneshalh," says Young, "lay desolate for 207 years."

But I think we must be careful to limit the force of this expression as in our last sentence. The Streoneshalh which "lay desolate" was merely the once "Holy House," or Monastery,

and moreover, the desolation was merely that of the "Holy House" and its adjuncts. In point of fact, the "Memorial of Benefactions," already once referred to, defines the consequences of the ravages of the Danish host with very sufficing precision, namely, thus:—"Thenceforward, for two hundred years and more, the holy service of the monks and pious nuns was in that place discontinued."[1]

I am quite aware that such views on this subject are likely to be regarded as quite heretical. Dr. Young, in so many words, states not only that "when the Abbey was ruined by the Danes, the town of Streoneshalh shared the same fate," which is, I suppose, fairly certain; but also, that "when, after the lapse of two hundred years, the monastery was restored, the town revived also." And a more recent writer takes precisely the same view, inasmuch as in his little book about *Whitby and its Vicinity*, we find him distinctly stating that while "the town of Streoneshalh and its monastery were destroyed by the Danes in 867, both lay desolate for two hundred years;" and again, and repeatedly, that when the town did revive, it "arose, like its predecessor, Streoneshalh, as a dependency on the Abbey."

It is difficult to understand how such views as these, inconsistent alike with common sense, reason and experience, and contradictory to historical facts and inferences patent to the most superficial student, could ever have obtained credit or currency, or indeed have found admission into an "historian's" mind.

For we find ourselves, the moment our attention is turned to the matter, face to face with a numerous, and, we cannot doubt, important colony of Danes and Northmen. For, passing by, for the present, the Domesday entry touching Whitby and its dependencies, the following is the corresponding list of place-names afforded by the "Memorial of Benefactions,"—"Witebi, Overbi et Nethrebi, Thingwala, Leirpel, Helredale, Gnip, Normanebi, Fielinga et alia Fielinga, Bertwait, Setwait, Snetune, Hugelbardebi, Sourebi, Risewarp, Neuham, Stachesbi, Baldebi, Breccha, Flore, Dunesleia,"—every one of them, twenty-one in number, save only Neuham and Dunesleia, demonstrably of Danish origin and imposition. "In other words, Streoneshalch and its environing district had, long before the Norman Conquest,

[1] See *Hist. of Cleveland*, i. 134-139.

become the seat of a number of separate and independent Danish settlements—a fact which, while it testifies, on the one hand, to the eligibility and material wealthiness of the district surrounding and including the monastery itself, tells us also, on the other, that the same active, enterprising, energetic spirit which wrung far more than a mere scanty subsistence from the difficult soil and inhospitable climate of Iceland, was little likely to let the fair and fertile slopes of Fieling, Gnipe, Normanby, Prestebi, Netherbi, Overbi,[1] Dunsleia, Newham, Sneton, and the rest, be uncompelled by the labours of the agriculturist, or the harbour and mart of Whitby remain unfrequented by the keel of the merchantman, the boats of the hardy fishers, and the thick-coming visits of chapmen from more distant havens as well as the nearer."

In this connection I wish to draw especial attention to the great fact involved in the name which stands fourth in the list of Whitby place-names given a few lines above—I mean Thingwala.

It seems to have been reserved for me even to notice, and much more to direct attention to, this very noteworthy and significant name.[2] For there can be no more question of what it was, and meant, than in the case of the Cheshire Thingwall, the Shetland Tingwall or Dingwall, or even the Icelandic Thingvalla itself. As Worsaae says of the former, our Whitby Thingwala "affords a very remarkable memorial of the Court —or Thing—which the Northmen settlers were accustomed to hold in close connection with their sacred offerings to their gods." Its site, however, is now uncertain. All we know is that it existed, and that down to the beginning of the thirteenth century certainly, and probably very much later, it was identifiable.

But to us the significance of the name and of the fact is not the least lessened by the difficulty, or worse, of identifying the site. The Old English "marks," "tythings," "hundreds," "frithborhs," had all been swept away—save only the name of

[1] I casually ascertained, two or three years ago, that the rent of a farm of 140 acres in what is no doubt the district embraced by Overbi and Netherbi, and not far from Gnipe (now Hawsker), was not less than £380 a year.

[2] See note 3 to No. 149, p. 118.

a great conical hill in Cleveland,[1] near Moorsom, which remains to tell where the *mearc-mót* of its district used to be held —and the "Wapentake" and "Thing-stead" remain to tell us of the pervading change which had come over the institutions of the fair country which had been re-named Clifflönd by its new lords; and, in telling us of this, the Whitby Thingwala tells us, incidentally it is true, but also most emphatically, that Whitby, under the occupation and rule of the Danes, was, out of all Cleveland, by far the most important and the most frequented town, as being the seat of all their principal civil and religious procedures and observances.

But this fact, as it seems to me, is not very consistent, any more than that of the tolerably well-established character of the hardy Northmen as vigorous farmers, persevering traders, adventurous navigators, with the notion that the town of Whitby, as well as its monastery, lay desolate and in ruins until the restoration of the Abbey in Norman times.

But the matter is placed quite beyond dispute—and my marvel is that such a painstaking and careful man as Young undoubtedly was should have overlooked the testimony I am about to quote—by the direct evidence of the Domesday returns, which I will give as briefly as I can. The geldable value of the manor of Whitby then, with the Berewic of Sneton, containing fifteen carucates, but having soke also in Fyling, Gnipe, Prestebi, Ugleberdesbi, Sourebi, Brecca, Florum, Stachesbi, and Newham, to the extent of 28¾ carucates more, was, in the time of King Edward, £112. On looking over corresponding entries, connected with the more important Cleveland localities, we find the following:—in the manor of Locthusum (now Lofthouse), with 4 carucates, and soke in various other townships and parishes, amounting in all to nearly 47 carucates besides, the geldable value was £48. At Stocheslaye (Stokesley), with a manor of 6 carucates, and soke of 34½ carucates more in seven other places, the value is set at £24. At Hoton (Hutton Rudby), with 6 carucates, and soke of 20 carucates more in other places, the sum set down is £24. On comparison then, Whitby, with a total of 43¾ carucates, is rated at £112; Lofthouse, with nearly 51 carucates, at £48;

[1] Freeburgh Hill; a self-evident corruption of "Frithborh."

Stokesley, with 40½ carucates, at £24; and Hutton Rudby, with 26 carucates, also at £24.

Whitby, then—and if we remember that the value of money then was at least twenty times, probably very considerably more than twenty times, its present value, we shall perhaps be better able to realise the absolute condition of prosperity and wealth enjoyed by the district specified—Whitby, with sensibly less acreage (or carucatage, if such a word be admissible), was considerably more than twice as valuable, as regards taxation to Danegeld, as Lofthouse; with a little more extent than Stokesley was nearly five times as productive; and with nearly twice as much acreage as Hutton Rudby, was again nearly five times as productive. Or, putting it another way: Whitby was geldable to the amount of upwards of £2, 10s. for each carucate in the estimate; Lofthouse at not quite 18s. 10d.; Stokesley at 11s. 10d.; and Hutton Rudby at not quite 18s. 6d.

Of course, in the face of such statistics as these, it is simply absurd—not to say somewhat discreditable to the historian who had these historical facts under his eye, and failed to notice them—to speak of Whitby, both town and monastery, as "lying desolate for nearly two hundred years," and only "reviving" after the refounding of the Abbey by the Norman in 1075, or later. For, really, after making all possible allowance for the probably greater value of land, in those days also, when near a place like Whitby, in contradistinction to mere inland and country places like Lofthouse, Stokesley and Hutton, still we are obliged to leave a large margin for value of another kind—such, namely, as would depend on civil and mercantile considerations. Or, to put it in other words, Whitby must have been, at the time of the valuation taken in King Edward the Confessor's reign, an important, prosperous, and wealthy town and harbour. Less than this surely cannot be said of a place which was entered as geldable at, at least, £2000 to £2250 (and, most likely, a much larger sum) of our present money.

But in order to confirm this conclusion with even more convincing force, we will enter upon one other calculation, both brief and a little rough perhaps, but in the main neither

inaccurate nor misleading. Assuming Freeman's statement as to the amount of the last assessment of Danegeld during the Conqueror's reign[1]—namely, 6s. per hide—to be valid, and that for such practical purposes as the present calculation the carucate contained about three hides, and that, in Freeman's words, "along with the Danegeld, a tax which was strictly a tax upon the land, came the *aids* of the towns, an impost which has been held to be in effect the Danegeld levied on those parts of the kingdom to which the reckoning by hides could not apply;" then we have this remarkable result:—Lofthouse, with its 51 carucates containing about 153 hides, each rated at 6s., was geldable at £45, 18s. the balance making up the £48 named in Domesday, being, it is presumed, due on the town. Stokesley, with 40½ carucates, or about 121 hides, at 6s. a hide, ought to have been rateable at £36, 6s., but was actually geldable at only £24 (however that fact is to be accounted for): Hutton Rudby, with its 26 carucates, or 78 hides, was rateable at £21, 18s., leaving a balance of £2, 2s. to make up the Domesday value of £24; while Whitby, with 43½ carucates, equivalent to about 130 hides, at 6s. a hide, would return £39, leaving a balance of some £73 to be made good by the *aid* from the town and port; a conclusion which sorely militates against the idea that the town, as well as the monastery, lay in ruin and desolation all through the two hundred years alleged.

Before finally leaving the question thus discussed, there is one other remark I would fain make, somewhat retrospective in its nature, and founded on a statement which is met with in the "Memorial of Benefactions," touching the last condition of ruin which had undoubtedly befallen the monastery. Speaking of the grant of the "hallowed place" to Reinfrid, the first Prior, by William de Perci, the writer mentions a fact which is not without significance as to what the foundation had become before that great ruin had fallen upon it. "There were at that time," he says, "in the said vill, as ancient countrymen have delivered to us, about forty cells or oratories, only the walls of which, however, together with the disused and shelterless altars, remained." Now, from this we may gather something

[1] *Norman Conquest*, v. 439.

as to what the early monastery had come to be, before destruction came upon it, both in magnitude and extent; and also as to the massive nature of the buildings which had, sooner or later, replaced the hasty and rude structures glanced at some pages above as more than possible during the earlier part of the existence of the "Holy House." Walls and altars, which still retained their form and consistency after two centuries of exposure and neglect, over and above the violence of the original havoc, must have been strong and well-built as well as massive.

It would be but to little purpose to speculate on the religious and ecclesiastical condition of Whitby and its district during the period of Danish occupancy. Dr. Young remarks, that "all we know with certainty on the subject is that there were sixteen churches in our district when Domesday was compiled. Several of them were without pastors. . . . It is observable too, that most of them were near the extreme limits of the district; that there was no church at Streoneshalh, nor in the vale of Esk: the nearest churches were those of Seaton and Easington on the one hand, and those of Hackness on the other." But it may be remarked that such conclusions as these are open to grave doubt. The fatal word "waste" is not applied in the Domesday entry touching "Hagenesse et Sudfelt et Evrelai," as it is in the case of Whitby; and it is almost impossible to suppose that, for two hundred years, such a district as Whitby clearly was, lay churchless, and therefore practically, in those days, religionless. Nay, if one ventured to speculate at all, it would be in the direction that not only did a church, or churches, rise in Whitby itself, but that more than one or two among the "oratories" on Prestebi heights found holy occupants, and, most likely, continuously. If the name Prestebi had a meaning at all, if it was not simply a case of *lucus a non lucendo,* the fact it reveals is that one priest or more settled on or near the site of the ruined monastery subsequently to the Danish occupation; and, certainly, there can be no doubt that the country had become Christianised long before the date of the Norman Conquest.

But whatever the ecclesiastical condition of Whitby and its dependencies during the Danish supremacy, a time soon came

under the Norman occupation for the restoration of the one-time famous Religious House of Eastern Cleveland. Reinfrid is named as the first restorer, and then as the first Prior of the restored House. He is described in the Memorial as having been an active soldier in the Conqueror's service—"miles strenuissimus in obsequio domini sui Willelmi Nothi, Regis Anglorum"—and as having turned aside from the direct line of a journey, or march, through Northumbria in order to visit Whitby, where he was struck with compunction at the sight of the desolation caused by the ravages of "the merciless pirates, Ingwar and Ubba, leaders of the Danes." There is a species of suppression here which is rather amusing. Domesday also speaks of the desolation caused in and near Whitby, under the ravages of a leader of the Normans, and it says of 28 carucates, averaging probably 100 acres each, "pene omnia wasta"—the only exceptions being the Church-lands held by the Abbot of York in Prestebi and Sourebi. It may have been a tacit consciousness on the part of the memorialist which held his pen, making him feel that it might be quite as well to leave the immediate authors of the nearer, or more recent, wasting unnamed. Nay, it may very well be, even, that Reinfrid himself—"strenuissimus miles in obsequio domini sui"—knew only too much about the ravages of the Conqueror, and might have good personal reason for compunction. Any way, he became a monk at Evesham, and there was well trained in monastic practice and discipline. After a space he returned into Northumbria with the clearly conceived design of reviving monastic religion there, and, coming eventually to William de Perci, was well received by him, and put into a favourable position for carrying out his plans by a grant at that baron's hands of "the ancient monastery of S. Peter the Apostle, together with two carucates of land in Prestebi, as a perpetual alms." In no long time several others, like-minded with himself, were collected together, and the new Abbey, in some sense or other, became a fact. The precise date of the commenced restoration is not known; but, according to Dr. Young, it could not be later than 1078; for "in that year Reinfrid was joined by one Stephen, who afterwards became Abbot of York, and is usually called Stephen of Whitby, because Whitby was the place at which he began the monastic life."

But, speaking plainly, the history of matters connected with the restoration of Whitby at this time is a muddle. The account given in the Memorial is inconsistent with, and in parts contradictory of, that left by Stephen of Whitby; while the Domesday statement that the two carucates in Prestebi and Sourebi were held by the Abbot of York of William de Perci (the latter holding all Whitby of Hugh Earl of Chester) is hard to accommodate with either account. What can be attempted towards a possible reconciliation has been attempted in the second of these Introductory Chapters, to which therefore the reader must from this point be referred.

This, however, may be said: that it seems very doubtful whether, at the date alleged—nearly coincident with that of the Domesday returns—there was much living or actual monastic work going on at Whitby at all. The residence of the monastic party would seem to have fluctuated between Whitby and Hackness, to say nothing of Stephen's mention of Lastingham as at one time a resting-place or refuge; and it was not until some time after Serlo de Perci, brother of William de Perci "hote Lesgernuns," had become Prior, that Whitby became in reality the monastic head-quarters. From this time forth the growth of the Abbey in material means, and it is to be presumed also in the accretion of the necessary buildings, became steady, and eventually rapid and very considerable. Passing by the obscure transaction of the alleged original grant at Prestebi and Sourebi, the more certain grant of the Church of St. Peter at Whitby, with all its appurtenances, by Hugh Earl of Chester, and (by the same charter) the grant of the Church of Midlesburg with its tithes French and English—passing all this by, we find the grant by William de Perci to his brother Serlo of the vills of Whitby and Stainseker, of Newham and Stakesby, of Hakaness and the Port of Whitby, and of the Churches of St. Mary and St. Hilda at Hackness, together with Northfield, Suffield, Everley, Brochesay, and Thornley, with the tithes also of Uplethum, Wilton, Chevermund, Ludeford, Covenham, Immingeham, Sumerledeby, Semar, with half the fishery of Ergum, and all forests, woods, waters, etc., belonging to the said Church of Whitby; and, thereafter, gift and confirmation from Alan de Perci, son of William afore-

said; from William de Perci, and from divers others, members of the family of Perci, or connections of it by marriage, or sub-feudatories; and no less from a host of others in no way related or connected with the family of the founder and patron, who follow one another in rapid succession until at last, in Abbot Roger's time (1222-44), the summit of wealth and prosperity seems to have been reached.

A moment's pause here to note the fact that the port was given by William de Perci, the founder, to the Abbey in Prior Serlo's time, and to remark—and I think there is ground for calling attention to the fact after what we have above had occasion to notice in connection with the money, and therefore with the mercantile, importance of the port—that this was, there can be no doubt at all, as weighty a part as any of the whole grant, at least potentially and in the future, if not actually and at the time then present. It should be noted too, that, what with Earl Hugh's grant and William de Perci's, no small part of what was afterwards known as "Whitby Strand," and accurately defined by well-known meres and boundaries, had already, before the year 1100, become the property of the Abbey. There would be no deficiency then, even at this early period, of means for carrying on whatever works might be considered desirable.[1]

[1] Perhaps more distinct reference should be made to the fact, adverted to in note 6, p. 93, to No. 108, that as early as Prior Serlo's times there was at Whitby an official whose style and title was "Magister Operis ejusdem loci," and to the inevitable inference derivable from such a fact. Constructive work of a systematic character was of necessity being pushed forward, and under the guidance and direction of a competent or scientific designer and surveyor. This may also be the place for calling attention to one noteworthy fact connected with the existing remains of the Abbey Church. That buildings of early Norman date once existed, there can be no question; but the questions what were they, where were they, what became of them, are questions which may be asked—perhaps must be asked—but cannot be answered. Indeed, no attempt at answering them can now be made. What may be regarded as a mere legend tells of a chapter-house as existing in early Norman times, but there is no tangible trace either of it or any other structure of the same style. The east end of the existing ruined church is the earliest part of what is left, and it cannot be assigned to an earlier date than the former half of Abbot Roger's incumbency, and it is to the point to observe that no examination, however close and curious, serves

Serlo de Perci was succeeded in the rule of the new Abbey by his nephew, William de Perci, who became the first of a long series of abbots, and in whose time naturally many Perci gifts and grants would be bestowed. He must have become Abbot very early in the twelfth century, and, according to Young (whose conclusions here I do not greatly question, though I have been obliged to do so in several of the matters touched upon in preceding remarks), "governed the Monastery for about twenty years or more." Abbot William was succeeded by Nicholas, and Nicholas by Benedict, who, in consequence of internal troubles, resigned his office, and was succeeded by Richard, till then Prior of Peterborough, about the year 1148 or 1149. It was during Abbot Richard's time that a plundering visit by sea was paid by the King of Norway, who laid hands on all that was portable and wasted the rest, "so that they who, by the management of their Abbot, had grown very rich, now became very poor; the rapacious Norwegians having left them nothing."

Richard of Peterborough died in 1175, and was succeeded by Richard de Waterville, then Prior of Monk's Kirby. At the date just given there were, it appears from a curious and interesting document in the Chartulary, which records the circumstances of Benedict's resignation, of Richard's own election and appointment, his wise and prosperous rule, his death, and the appointment of his successor, thirty-eight monks, whose names

to detect anywhere about it a single fragment of stone on which are impressed the features of an earlier architectural style. In the scanty remnant of the once magnificent conventual church of Gyseburn such stones abound, and alike in the rubble of the walls still standing, the foundations where they have been laid bare, and the plentiful *débris* arising from the ruin and demolition of the rest of the building. But at Whitby there is nothing of the kind to be met with—not even in the extensive walls which on all sides of the Abbey have been built out of its old materials. The fact is a very singular one, but it is unquestionably a fact, however it may be accounted for. If the precincts were to be dealt with in the same carefully inquiring and conservative spirit as has been manifested at Fountains, no doubt many and interesting discoveries would be made, and some solution of some part at least of the uncertainty indicated in the former part of this note might be satisfactorily arrived at. Hopes of the institution of some such work have once or twice of late years been shyly expressed. Perhaps there may be a good day coming even yet.

are all given. This number, which includes the Prior, and with the Abbot makes up thirty-nine, was no doubt the full complement.

To Richard de Waterville, Peter, John de Evesham, and Roger de Scardeburg succeeded, each in his turn. The last is said to have spent some of his younger years in the cell at Midlesburg. In his time, as already noted, the Abbey received a great accession of territory and wealth, and reached the zenith of its prosperity. And in his time, too, so far as the style of the existing remains of the Abbey can testify, it seems probable that the conventual church was put through a course of entire reconstruction. The commencement of his rule may have well seen the commencement of the eastern portion of the present ruins, and the close of his reign—he died in 1244—cannot have been very distant in point of time from the completion of the third bay west of the central tower. But this is a subject too wide to enter upon at the close of such a chapter in such a volume as this.

CHAPTER II.

THE history of the earlier steps taken in the refounding of the Monastery of Whitby is involved in very great obscurity and beset with much perplexity, not because there are no ancient records treating of the subject, but because these ancient records are so hopelessly inconsistent and irreconcilable with each other, that even a probable approximation to the truth becomes extraordinarily difficult. We have—

I. The narrative (No. 1) printed in the text, usually described as the "Memorial of Benefactions," clearly the most ancient writing in the chartulary preserved at Whitby and locally called the "Abbot's Book."[1] This memorial is certainly of earlier date than 1180, and may moreover claim to be considerably earlier than either of the other records in question except that of

II. Symeon of Durham, a copy of which is appended here:—

His temporibus quidam in provincia Merciorum Presbyter, ac Prior in Monasterio, quod in Wincelcumbe situm est, habitu et actione monachus, vocabulo Aldwinus, habitabat, qui voluntariam paupertatem et mundi contemptum cunctis sæculi honoribus ac divitiis prætulerat. Didicerat ex historia Anglorum quod provincia Northanhymbrorum crebris quondam choris monachorum, ac multis constipata fuerit agminibus sanctorum, qui in carne non secundum carnem viventes, cœlestem in terris conversationem ducere gaudebant. Quorum loca, videl. monasteria, licet jam in solitudinem sciret redacta, desideravit invisere, ibique ad imitationem illorum pauperem vitam ducere. Perveniens ergo ad Eoveshamense Monasterium, desiderium

[1] For reasons for assigning a probable date to this document see p. 10, note 3.

suum quibusdam ex fratribus patefecit, e quibus duos mox in sui propositi societatem sibi adjunxit; quorum alter Diaconus, postea Presbyter, Elfwius, alter ignarus litterarum vocabatur Reinfridus: quibus Abbas ipsorum non aliter abeundi licentiam dare voluit, nisi prius Aldwinum eis præponeret, et curam animarum illorum ipsi commendaret. Perrexerunt itaque simul pedibus incedentes tres monachi, unum tantummodo secum ducentes asellum, quo libri necessarii et vestimenta sacerdotalia ad divinum celebrandum mysterium ferebantur. Et primo quidem super ripam Tini fluminis ad plagam septentrionalem, in loco qui dicitur Munecaceastre, quod monachorum civitas appellatur, habitare cœperunt; qui locus licet ad episcopatum Dunhelmensem pertineat, juris tamen Northanhymbrorum Comitis habetur. Quapropter venerandus Pontifex Walcherus ad illos mittens rogavit ut ad se venirent, et sub jure potius ecclesiæ quam sub potestate sæcularium manendi locum acciperent. Quos advenientes multo cum honore et gaudio suscepit, magnasque Deo gratiarum actiones retulit, quod in hac provincia monachicæ professionis viros ad habitandum suscipere, et sub suo regimine meruisset habere. Dedit ergo eis Monasterium beati Pauli Apostoli, a Benedicto quondam Abbate constructum in Gyruum, quod stantibus adhuc solis sine culmine parietibus vix aliquod antiquæ nobilitatis servaverat signum; quibus culmen de lignis informibus et fœno superponentes, divinæ servitutis officia ibidem celebrare cœperunt; factaque sub ipsis parietibus casula, ubi dormirent et manducarent, religiosorum elemosinis pauperem vitam sustentarunt. Ibi pariter in frigore ac fame, et rerum omnium penuria pro Christo residentes degebant; . . .

Cum autem famulus Christi Aldwinus ibidem, sicut jam dictum est, aliquatenus fructicasset, ad alia quoque loca cogitavit transire, et simile opus Domino adjuvante perficere. Igitur constituto fratribus quem communiter ipsi elegerant Priore, proficiscens inde reliquit ibidem socium suæ peregrinationis, de quo supradictum est, Elfwium, virum simplicitatis et innocentiæ merito prædicandum, orationibus et lacrimis jugiter intentum. Tertius vero illorum socius, videl. Reinfridus, ad Streoneshalch quod Hwitebi appellatur, secessit, ubi advenientes suscipiens, monachorum habitationem instituere

cœpit, qui post ejus obitum migrantes Eboracum, Monasterium in honorem Sanctæ Mariæ semper Virginis, quod nunc Abbas Stephanus strenue regit, construxerunt.—(*Sym. Dunelm.* pp. 198-201, 203, 204.)

III. Then we have the story given in the narrative alleged to be by Stephen of Whitby of the foundation of St. Mary's Abbey at York, a copy of which follows:[1]—

S. Mariæ Eboraci cœnobium.

De fundatione Abbatiæ Sanctæ *Mariæ* Virginis *Eboraci* anno ab incarnatione Domini mlxxxviij. Fundata fuit Abbatia ejusdem ut infra patebit.

Quamvis sancta una et universalis Mater Ecclesia per universum[2] orbem longe lateque diffusa, a filiis suis quos sibi virgo mater per aquam baptismatis generat, honoretur et prædicatur, multæ tamen ecclesiæ in unitate fidei catholicæ ex eo tempore quo ex latere *Jesu Christi* in cruce dormientis fabricata est, secundum devotionem fidelium ædificantur, atque a fundamentis jaciuntur, ut quos unius ecclesiæ sinus propter ampla spatia terræ et maris nequit comprehendere, in multis ecclesiis fidem rectam tenentes operari studeant, quæ post hanc vitam venientes cum exaltatione a Domino centuplicata recipiant.

Unde ego frater *Stephanus*, hujus Sanctæ Matris Ecclesiæ filius, nullis meis præcedentibus meritis, sed sola Dei gratia fratrumque meorum unanimi mihi faventium electione abbas constitutus, qualiter ad hunc gradum pervenerim, vel qualiter Ecclesia Sanctæ *Mariæ* Eboraci cui, Deo auctore, primus Abbas datus sum, fundata sit, ad posterorum memoriam literis mandare curavi, ut sciant præsentes et futuri posteri nostri, qui vel quales hujus nostræ Ecclesiæ fundatores, de quantis invidorum turbini-

[1] This is the copy printed by Dugdale from the MS. in the Bodleian Library, and headed by him "S. Mariæ Eboraci Cenobium,"—"Ex vetusto MS. in Bib. Bodleiano authore Sim. Warwic. [8 W. 46] 92 a." This MS. is otherwise numbered NE. A. 3, 20, and at present it is marked, I believe, "Bodley MS. 39." There is another copy in the Library of Corpus Christi College, the variations in which I am enabled to note through Canon Raine's kind permission to make use of his copy. The heading in the Corpus copy is—"Quomodo et a quibus Cœnobium Sanctæ Mariæ Eboraci fundata sit et quantas invidorum perturbaciones compulsa sustinuerit, sed Dei protegente gracia magis ac magis aucta et multiplicata fuerit."

[2] *universum* omitted in C. (Corpus MS.)

bus impulsa sustinuerit perturbationes. Anno[1] Domini mlxxviij regnante *Anglorum* rege, prudentia et armis strenuissimo viro, *Willelmo,* qui *Angliam* ditioni subjecit suo, anno duodecimo regni ejus, pontificante apud *Eborum* domino *Thoma* Archiepiscopo, ego *Stephanus,* abdicatis pro Christo voluptatibus carnis atque abjectis sæcularibus curis, de naufragio hujus sæculi vix evasi, atque habitum monachicæ religionis apud Wyttebeiam,[2] sicut postea declarabitur, suscepi. Eo namque in loco quidam fratres, tunc temporis heremiticam vitam ducentes, ipsum locum in melius renovare cupiebant, qui priscis temporibus Religiosorum virorum ac feminarum conversatione, ac prædiorum ampla possessione, fuit honorabilis, modo vere pene ad nichilum redactus erat, barbarorum ac prædonum incursionibus diversis, vel aliis forte, quas nescio, malis causis.

Hiis vero fratribus, quibus sociatus sum, præerat quidam Renfridus,[3] bonis pollens moribus, virtutum cœlestium dote insignitus, qui cujus meriti apud Deum fuerit testantur ejus opera, multis ejus vestigia sequi volentibus in ævum profutura. Is quippe apud locum qui *Gerva* dicitur, in Northanhymbrorum partibus, prius aliquanto tempore commoratus, ibique divinæ contemplationi vacans solitarius extitit, necnon postea multis sibi sociatis fratribus, qui ejus desiderio ad eum confluxerant, Deo nostro sub districtione regulæ viriliter aliquandiu deservivit. Locus autem ille, quamvis ad ejus introitum fuisset ferarum et avium habitatio, olim tamen in eo extitit servorum Dei inibi degentium fertilis constipatio, inter quos etiam venerabilis presbiter *Beda* floruit, qui multa scripturarum sacramenta per Spiritum Sanctum disserens ad ædificationem fidelium imperpetuum dereliquit.

Prædictus ergo *Renfridus,* desiderii sui non immemor, cum fratres qui cum eo morabantur in disciplinis regularibus instructos vidisset religionis monasticæ præceptis inhærere, deputans labores vitæ præsentis parvissimos ad comparationem æternæ retributionis, ipsis mærentibus valedicens, solitariam vitam ducendi gratia Wyttebeiam[4] venit, sed ibi quoque. audita ejus fama, plures ei sociati sunt, cum eo perpetualiter

[1] *Incarnationis Dominicæ* inserted in C.
[2] *Withebiam.*
[3] *Reinfridus,* as also in all future cases of occurrence.
[4] *Wythebiam.*

manere cupientes, quibus ego quoque conjunctus habitum sanctæ religionis, soli Deo vacare cupiens, sub ejus magisterio et prioratu in eodem loco suscepi. Evolutis autem paucis diebus, totius Monasterii procurationem, *Renfridus* pariter omnisque congregatio ipsius annuens consilio et imperio, mihi imposuerunt, ac demum, nescio quo Dei judicio, me invitum diuque repugnantem, tam Regis præcepto quam Archiepiscoporum venerabilium, *Lanfranci* videlicet *Cantuariensis*, *Thomæ* quoque *Eboracensis*, obedientia Abbatem sibi elegerunt.

Electus igitur ego Abbas, cum vellem locum illum noviter inceptum nullisque rerum mundanarum redditibus refertum, auxiliante Domino, in pristinum honorem renovare, cœperunt multa adversa hujus mundi contra me excrescere, et desiderium meum a cœpto opere retardare. Nam quidam ex baronibus regiis, nomine *Willelmus de Percey*,[1] qui locum ipsum nobis donaverat, videns locum nostrum nuper desertum in multis meliorari, multa adversa, tam per se quam per suos, nobis ingerebat, ac boni pœnitens si quo modo nos ab eo effugare possit arte qua poterat laborabat. Ex altera vero parte, piratæ maris, ac latrones regionis, quorum multo tunc habebatur copia, longe lateque discurrentes, nobis vim inferebant, quæ habere poteramus rapiebant, atque ad ultimum una nocte conglobati, facto impetu, omnes nos in fugam convertentes, omnia nostra diripuerunt, ac sublatis omnibus, quosdam ex nobis captos ad ignotas terras perduxerunt. Ob quam rem usque ad mortem contristati, imminens periculum aliquo modo vitare cupientes, quæcumque nobis molesta erant Regi intimare decrevimus, qui benigno satis ut erat miserationis affectu, necessitatibus nostris propter Deum compatiens, promptum se ac voluntarium nobis ad subveniendum exhibuit.

Erat vero non longe a Wyttebia[2] in ipsius Regis dominio locus quidam, qui vocatur Lestingham, tum nimirum vacans, sed olim monachorum in eo habitantium frequentia et religione egregius. Hunc ergo locum, a Rege nobis datum, paulatim restaurare, et quæ habitationi monachicæ erant necessaria, cœpimus ædificare, quatinus scilicet prædictus *Willielmus de Percy* in cujus prædio morabamur, vel alii eo minus nobis adversa aliqua inferre præ-

[1] *Percei*, as also in future cases of occurrence.

[2] *Withcbeia*, as also in future cases of occurrence.

sumerent, quo nos refugium aliquod professioni nostræ congruum sub ipsius Regis manu et ditione habere agnovissent.

Cumque post hæc op[p]ortunitatis tempus adesset, quo manus pontificalis impositionem et Abbatis benedictionem suscipere deberem, subiit animo ut ad *Lestingham* irem, quia sub sola Regis potestate erat monachus professus, ejusdem quoque loci Abbas consecrarer. Quæ res pariter etiam congregationi nostræ et ipsi Regi, dominoque *Thomæ* Archiepiscopo nostro, necnon et omnibus quorum inde consilium quærebam, bona et utilis visa est, ac tandem, auctore Deo, illisque volentibus, usque ad actum perducta. At vero sæpedictus *Willelmus*, sicut antea consueverat, et postea quoque molestior nobis et adversus vehementer existebat, atque ut dictum est, de prædio suo in quo adhuc conventiculum nostrum degebat, modis omnibus expellere laborabat. Unde ego, nimio dolore perculsus, justiciarios regni hujus frequenter adire, miseriam nostram et oppressionem multorum auribus insinuare, et auxilium versus opprimentes nos flagitare compulsus sum; sed neque ita quicquam proficiens, tandem usque in Normanniam, in qua Rex simul et *Willelmus de Percey* tunc forte morabantur, transfretare, et qualiter nostra in pace alterius haberemus, precibus apud Regem, et modis quibus poteram, satagere curavi, et ita demum, accepto pacis chirographo, ad propria reversus, non longo tempore cum nostris et de nostris pacem optinui. Exarsit quippe ex eo tempore multo vehementius adversum nos animus et ira *Willelmi*, et quoad usque penitus nos de Wittebeya effugasset, pacem diuturnam vel quietem habere non permisit. Quid multa? Hiis namque exigentibus causis, postremo tam ingruentium pressurarum longa molestia attriti, quam inevitabili totiens memorati *Willelmi* violentia coacti, jam publice et injuste ablata nobis Wittebeya, ad prædictum locum qui dicitur Lestingeham, ibi saltem manere cupientes, per jussionem Regis transmigravimus. Sed quia non est via hominis in manu ejus, aliter de nobis omnipotens Deus disponebat, et quæ corporibus animabusque nostris profutura in perpetuum erant salubriter præparabat. Nam ibi quoque, nescio quo Dei judicio, latrones circumquaque debac[c]hantes nos persecuti sunt, et res nostras sæpe rapientes, mœrore inedicibili corda nostra perfuderunt.

IV. There is next the relation of the troubles which befell the

rising community in the time of William Rufus, printed by Dugdale, and derived from Dodsworth's MSS., vol. 159, p. 115b,[1] copy of which I give next.

Tempore Will'mi Regis Anglorum Secundi, filii Willihelmi Nothi, Regis Anglorum, exorta est Monasterio de Whitby et Serloni Priori et fratribus ejusdem loci magna tribulatio et angustia et persecutio, quales habuerunt annis transactis in diebus Ranfridi Prioris nostri de Whitby. Veniebant namque latrones et raptores die nocteque de nemoribus et de latibulis in quibus latitabant, et deripiebant omnem substantiam eorum et depopulabant eum sacrum locum. Ita similiter et piratæ veniebant et devastabant illum locum, ita ut nullius miserabantur. Qua de causa Serlo Prior et monachi de Whitby ostenderunt Willihelmo de Percy calamitatem suam et miseriam, et petierunt eum ut daret eis locum manendi apud Hackenas. Dedit eis ecclesiam Sanctæ Mariæ de Hackenas, ut ibi construerent monasterium, quia in eadem villa Sancta Hilda Abbatissa monasterium construxerat. Concessit vero eis libenter petitionem eorum, ut pace facta, iterum ad Whitbeiam redirent ad prædictum monasterium. Cœperunt itaque monasterium construere ad prædictam Eccl. S. Mariæ, et ibi aliquandiu remanserunt, et religiosam valde vitam duxerunt. Deinde exorta discordia maxima inter prædictos duos fratres Willihelmum de Percy et Serlonem fratrem suum, Priorem de Whitby, quia Willihelmus de Percy dederat villas de Staxbi[2] et de

[1] At p. 126b of the same volume there is the following note :—"Huc usque e collectionibus R[i] Gascogne e lib. de Whyteby." The narrative printed above, then, is taken from a book or books formerly in possession of the Cholmeley family, but no trace of its existence at present, or even recently, is to be met with.

[2] The marginal note, p. 116, in Dodsworth's hand to these names is "Stachesbi juxta Whitby : Everley juxta Hacknes, vulgo Erley." In vol. 118, f. 87, however, Dodsworth gives the same narrative with the following preface :—"Out of sundry notes touching ffoundations of Abbyes in Yorkshire and other places in the province of Yorke, which I had of Mr. Starchy, a diligent Searcher of Antiquities, att his house in Bloomisbury in the upper end of Holborne 15 9bris 1621." "Touchinge the foundation of Whittby Abbey, Ebor. Tempore Will'mi Regis Anglorum," etc.

On the back of his copy—

"The King is founder of Whittby, Ebor. Copied by ye Abbot Bensted out of the Register and orignal afore Thomas Lo. Darcy and many others," and in this copy the place-name is Scaxby and not Stachesby.

Everley Radulpho de Everley, armigero suo, qui ei annis multis serviebat. Voluit vero Will'mus de Percy aufer[r]e Serloni fratri suo omnes terras et villas quas dederat præfato monasterio de Whitby. Cum Serlo Prior hæc comperisset, festinanter venit ad Regem Will'mum Angliæ, quia familiaris ejus et socius amantissimus [fuisset] cum ipsi juvenes milites essent in domo et in Curia Will'mi Regis patris ejus, et hæc illi omnia demonstravit. Mandavit et præcepit Will'mus Rex Will'mum de Percy ut Serloni fratri suo, Priori de Whitby et de Hackenas, et monachis ibid. Deo serv., suam omnimodo firmam pacem teneret, nec eis ullam molestiam inferret. Et cupiens itaque Serlo Prior elongare se a fratre suo Will'mo de Percy, et manere in feudo D'ni Regis, ne aliquam injuriam vel contumeliam ei frater suus posset inferre, petiit Will'mum Regem ut ei et monachis suis daret in elemosinam perpetuam sex carucatas terræ quæ erant in dominio ejus, duas in Hackenas et quatuor in Northfeld cum pert. suis.

Gliscens ultorem Regi fert Serlo mœrorem;
In Fundatorem sumens hunc posteriorem.

V. The testimony which may be collected from the charters and other documents printed in the present volume.

VI. And lastly, the notices in Domesday touching Whitby and Hackness, and the inferences deducible therefrom. These entries are as follows:—

"Terra Hugonis Comitis.

"In WITEBI et SNETON (Berewica) ad geldum sunt xv carucatæ, et xv carucæ possunt esse. Hæc tenuit Siwardus Comes pro uno manerio. Nunc habet Hugo Comes, et Willelmus Perci de eo. In dominio ii carucatæ, et x villani, et iii bordarii habentes i carucam. Silva pastilis etc. Ad hoc manerium pertinet soca harum. Figelinge (i car.); Nortfigeling (v car.); Ghinipe (iii car.); Prestebi (ii car.); Ugleberdesbi (ii car.); Sourebi (iv car.); Brecca (i car.); Baldehi (i car.); Florun (ii car.); Staxebi (ii car. vi bov.); Neueham (iiii car.). Inter omnia, ad geldum xxviii carucatæ et vi bovatæ: et xxii carucæ possunt esse. Hæc habet Hugo Comes, et Willelmus de eo. Pæne omnia wasta. Tantummodo in Prestebi et Sourebi, quæ de Willelmo habet Abbas Eboracensis, sunt ii carucatæ in dominio; et viii sochmanni cum i caruca, et xxx villani cum iii carucis: et i molendinum x solidorum, et xxvi acræ prati per loca."

The statement in the Memorial[1] is that Reinfrid, while he was yet a very energetic soldier ("miles strenuissimus")[2] in the service of the Conqueror, during a journey or march through Northumbria, turned aside to visit Streoneshalch, and that he was pricked to the heart at the tokens of ruin and desolation which obtruded themselves on his notice there; that thereafter, having become a monk at Evesham, and having been well trained at that convent in monastic discipline, he finally returned under the Divine guidance into Northumbria, in company with Aldwine, Prior of Winchcumbe, and the monk Elwine, and with the avowed intention of reviving the monkish profession in the aforesaid district.

I pause here to remark that all this is perfectly consistent with the narrative of Symeon of Durham, according to whom Aldwine, a Mercian presbyter, and prior of the monastery of Wincelcumbe, animated by a desire to visit a scene so famous as Northumbria had been for monastic piety, and to become himself an emulator of the ancient solitaries in the same district, repairs to Evesham monastery, and induces two members of the society there to join him in his plan and undertaking. One of these was the presbyter Elfwy, the other a man named Reinfrid, who is described as being "ignarus litterarum"—a character which precisely suits the man whose career had been such that he could be fittingly spoken of as "miles strenuissi-

[1] For myself, and for the reasons briefly stated here, but which will become more apparent as we proceed, I am disposed to attach almost complete credit to the statements in question. They are quite consistent with each other; they are consistent with, or corroborated by, those in other writings which are known to be worthy of credit; they are to a very great degree corroborated by the existing Charters and other like documents connected with the Abbey, and in no case discredited by them; and they are contradicted by, or inconsistent with, only the statements made in a writing which is of doubtful authority, if not uncertain origin, the said statements or assertions involving issues which are not consistent with each other, with known facts, or with common sense and reason.

[2] I do not dwell on the possible force of the word "miles," or intend to claim for it the meaning it would undoubtedly bear two or three generations later. But I would ask attention to the fact that the same term is applied, in the course of the self-same Memorial, to Alan de Munceus, who was certainly no mere *parvenu*, but a man of distinction.

mus in obsequio Domini sui."[1] These three, with their scanty equipment borne on the back of a single ass, reach Monkchester, and eventually settle, for a time at least, at Jarrow. Having seen his efforts here crowned with a measure of success, Aldwine, contemplating a repetition of like efforts elsewhere, departs from Jarrow, leaving one of his two chosen associates in the holy work—namely, Elwy—there, and taking with him the other—that is, Reinfrid—who in the sequel separates from him, and betakes himself to Streoneshalch, "which is also named Hwiteby," and there proceeds to organise a society of monks.[2]

[1] Mr. Hodgson Hinde, in his notes on the "State of Newcastle and Gateshead during the Saxon Period" (*Proceedings of the Archæol. Inst.* 1852, vol. i. 19), translates this "an illiterate man," which may perhaps convey a somewhat false idea, because likely to be taken in our modern acceptation of the phrase—at least by the general reader. He was, of course, only an "illiterate man" in the same sense in which the ninety-nine out of the hundred, even of the upper classes, were illiterate men in those days—literally, that is, not a "man of letters" in the ordinary sense of yet another modern phrase.

[2] The following is the account given by Freeman (*Norm. Conq.* iv. 665) of the series of events which resulted in the restoration of Whitby :—"But it now came into the hearts of certain monks in a distant shire, who had read in Bæda how full Northumberland once was of holy places, to set forth on a missionary enterprise to the benighted land (of the North, namely). The leader of them was Ealdwine, who forsook a high position as Prior of the great house of Winchcombe to go forth and revive religion in the North. In the neighbouring house of Evesham he found two brethren likeminded with himself—Ælfwine, a deacon, and Regenfrith, seemingly a lay-brother. The three set forth on foot, with an ass to carry their books and vestments. In this guise they reached York, and prayed the Sheriff of the shire, Hugh the son of Baldric, to guide them to Monkchester, the future Newcastle. But as Monkchester in no way answered to its name, they were glad to accept the invitation of Bishop Walcher, who offered them the ruined monastery of Jarrow for their dwelling-place. There they patched up the dismantled church, and built a poor dwelling-place for themselves beneath its walls. The pious example spread; a few of the natives of Northumberland, and a larger number of proselytes from Southern England, joined the humble brotherhood. The Bishop, marking their zeal and energy, gave them the lordship of Jarrow and other possessions, the revenues of which enabled them to build the tower and monastic buildings which still remain. But the flame, when once kindled, spread far more widely. The restored house of Jarrow became the cradle and centre of a whole crowd of monastic foundations. Ælfwine remained in the dwelling-place of Bæda as Prior of the revived monastery. But Regenfrith, now, we may presume, no longer

It is important to notice the correspondence—coincidence almost—as to all material points between the two accounts so far collated. For they are both nearly, though not quite, equally ancient, and, as it would appear, independent. Of course it is possible that the Whitby scribe may have seen and perused Symeon's History, but it is by no means incumbent on us to assume it as probable. There is certainly nothing in the Memorial to suggest such a probability; and, moreover, assuming the earliest date alleged for the composition of the History, and the latest for the penning of the Memorial, still the interval is only short. Besides all which, the transactions recorded in the former had taken place not so long before that the recollection of them in their very birthplace and theatre was likely to have become dim, or the memory of their reciter to require refreshing from the stores of another man's knowledge, who, at the most, besides not being an eye-witness himself, could scarcely have been much more than a generation nearer the time of their happening.

To resume:—The Whitby Memorialist goes on to say that Reinfrid came to William de Perci, who gave him the old Monastery of St. Peter and two carucates of land in Prestebi, in perpetual alms, the former being in much the same state of ruin as that described by Symeon in the case of Jarrow—nothing left, that is, but roofless walls and unsheltered altars. Reinfrid, however, diligently and patiently availing himself of the means at his disposal, succeeded within a short time in gathering about him a band of pious and prudent men as ready as himself to adopt the monastic habit and submit to monastic discipline under his immediate rule as Prior; and after several

ignorant of letters, went forth as the reviver of the monastery of Whitby, once, under the older name of Streoneshalh, the holy house of Hild, the daughter of the Bretwalda Oswiu. From Whitby sprang another famous house; under the care of Earl Alan, and under the government of its first Abbot Stephen, the church of Earl Siward at Galmanho grew into the great Abbey of Saint Mary without the walls of York." It will be observed that Mr. Freeman in every case adopts the true spelling of the personal names involved—Regenfrith, Ealdwine, Ælfwine, Oswiu, in place of Reinfrid or Renfrid, Aldwin, Elfwy, Oswy. In a book which is little more than a transcript of charters it may be better to adhere to the forms which alone are found in them, indicating from time to time, as occasion may arise, the true form from which the more uncommon names that occur have been changed.

years thus spent, he is further stated to have lost his life by an accident, while assisting some workmen in the construction of a bridge over the Derwent, at a place called Ormesbridge.

Symeon's narrative, however meagre in its details, up to the period of Reinfrid's death, is not inconsistent with all this. He simply says that Reinfrid received those who, after his arrival at Whitby, came to him with the object of embracing a monastic life; adding this however at that point, that after his death they removed to York, and founded there the Abbey of St Mary's, "which," he concludes, "is now energetically ruled by Abbot Stephen."

But Stephen's narrative would appear to be irreconcilably inconsistent with this history; indeed, directly contradictory in some of its details. Before, however, proceeding to notice it more precisely, it may be not inexpedient to try and ascertain whether the charters themselves, or any among them, add anything to our stock of information. And, at the outset, I remark that, while there is no doubt that confirmatory as well as concessional charters were granted by William the Conqueror[1] to Whitby in Prior Serlo's time—which, of course, assumes previous grants and charters by one benefactor or more—there is little reason to doubt that copy of at least one such charter, conveying a grant to Prior Reinfrid, is extant. I refer to the charter by Hugh, Earl of Chester[2] (No. 25), which occurs on f. 7

[1] It must be remarked here that Young (*Hist. of Whitby*, p. 253) doubts the existence of any charter by the Conqueror:—"Were we to suppose, with Charlton, that the charter of King William, on the 47th leaf of the *Whitby Register*, is a charter of the Conqueror, then Serlo must have been Prior before the year 1087. But that charter, compared with other authentic documents, contains intrinsic evidence that it was obtained after the possessions of the Monastery were far more considerable than they were in the Conqueror's reign, and that it must therefore have been given by William Rufus." But I think it will be seen as the inquiry proceeds that Young had not duly examined the evidences which are available, and that it is merely an unsupported assumption on his part that the possessions of the Monastery were so inconsiderable in the Conqueror's time.

[2] Here again, attention must be claimed for Young's commentary on the charter noted in the text. "The authenticity of this charter is partly confirmed by 'Domesday,' where we find that Flaneburg or Flambrough belonged to Earl Hugh; yet it must be observed that no mention is made of a church there. Independent of this circumstance, the charter is a little suspicious,

of Sir C. Strickland's MS., and in which, with greeting to Archbishop Thomas of York, William de Perci, and He[nry] 'Vicecomes Ebor.,' he grants to Prior Renfrid the Church of S. Peter at Whitby, with all its appurtenances, and to that same church, the Church of Fleinesburg also, "cum omnibus decimis Francigenis et Anglicis;" the witnesses being Earl Alan (of Bretagne), Ralph Paganel, Aschetil de Bulmer, Robert de Bruis, and Gislebert fitzAdelard.

The mention of the church of Fleinesburg in this charter is held to throw doubt on its authenticity. But there are matters and considerations connected with or involved in the charter itself of such a nature as necessarily to infer its essentially genuine and authentic character. And in this connection I ask attention first for the specified grant of tithes—"cum omnibus decimis Francigenis et Anglicis"—accompanying that of the church, and then to the fact that just such a grant was assuredly made by Earl Hugh to Whitby, of a church with its tithes, if not at Fleinesburg yet at Midelesburg, which specific grant, however, seems to have missed any particular notice at the hands of either Charlton or Young.[1] For the language

both because no notice is afterward taken in our records of the Church of Flamborough, . . . and because the charter in question has not been among those that were first written in the *Whitby Register*, but has afterwards been inserted in a different handwriting on a blank space that has been left at the bottom of a page."—(*Whitby*, p. 252, *n.*) The consideration or objection last named does not carry much weight with it: it is equally valid—or the reverse—against every other similarly inserted charter in either of the two copies in the Chartulary (or indeed in any other); and the number of such inserted documents in either volume is very considerable, as surely was to be expected when one remembers the way in which these transcripts were made, and the avowed exclusion, at the time of copying, of many documents in their proper places. The other objection is dealt with in the text.

[1] Charlton misreads and misconceives the important document noticed in the next paragraph of the text, and which ought to have arrested his special attention; and misreads and misconceives it in more than one important particular. To specify but one:—The conventio noted was made in settlement of a dispute between the canons of Gyseburn and the monks of Whitby, the former being the setters forth of the *calumpnia* or claim. The two parties to it, therefore, must necessarily and of course be the said monks of the one part, and the said canons of the other part. Notwithstanding which self-evident proposition, Charlton translates the clause stating the settlement and agreement made, which is thus expressed in the

of the Conventio between the houses of Gyseburn and Whitby, made in the presence of Robert de Brus (No. 271), and to which, moreover, the same baron, conjointly with the Convent of Whitby, was a party, is sufficiently remarkable. The dispute was touching "totam decimam et omnes parochianas consuetudines ad ecclesiam de Midlesburg pertinentes de xii carucatis

Latin—"Hunc finem et concordiam inter prædictos canonicos et monachos concessit et confirmavit ex sua parte Capitulum Canonicorum de Giseburnia, et Capitulum Monachorum de Wytebi et Robertus de Brus ex parte sua"—in the following words:—"This conclusion and agreement between the aforesaid canons and monks was allowed of, and confirmed on the one part (!) by the Chapter of the Canons of Giseburn and the Chapter of the Monks of Whitby, and on the other part (!) by Robert de Brus." Surely ignorant and blundering misconception could no further go, and we may hold ourselves quite prepared to find that Charlton (p. 52) notices the charter hitherto more immediately in question, thus:—"Also Hugh Earl of Chester granted them the following charter," appending a translation which is slightly incorrect in two particulars, and then proceeding—"By this charter it appears that the Earl of Chester did not at first surrender to Lord William de Perci all right and title he had to those lands, etc., that lay about Whitby, nor convey them to him absolutely as freehold; but either reserved a part, or else, as Lord Paramount, received some quitrent, homage, or service for the whole." Then follows one of the author's characteristic reckless and utterly baseless statements to the effect that, on these grounds, may be partly understood the residence of "Percy for many years at Sneton before he granted anything by charter to the Monastery of Whitby!" After which he proceeds to say—"However those lands were all ceded to him as freehold before he entered into the crusade, and they are mentioned as such by his son Alan not long after that time. As for Flambrough"—and again we meet with an utterly groundless assertion—"Earl Hugh, soon after the Conquest, settled a colony of Flanderkins or Flemings in those parts, who built a church and town there; and from them it took the denomination of Flammenville, Flammeville, Fleinesburgh, or Flamborough, by some of which names it has been known ever since." And this, to say nothing of the gratuitous confusion between the two names Flammavilla and Fleinesburg—Flaneburg in Domesday—notwithstanding the distinct statement in the record just named that the place in question not only had its name and local designation in Edward the Confessor's time, but was then a thriving manerium, geldable in no less a sum than £24, and held by no less a personage than "Harold Comes." Moreover, all the special notice conceded to the most noteworthy matter in the whole transaction—the alleged grant of a church and its appurtenances, which transparently never was so given—is the following sentence:—"The church there (at Flamborough) was in the next century ceded (!) to the Priory of Bridlington, but on what consideration does not appear."

terræ," of which four were of John Ingram's fee in Arusum (held of Brus);[1] a fifth of Malet's fee in Levingthorp[2] (held of Roger de Moubray); a sixth belonging to Whitby itself in Midelesburg;[3] three more of Alvered's fee (held of Brus) in Aclum; a tenth, also in Aclum, of Robert Esturmith's fee; an eleventh of Malet's fee (and, like the last, held of Brus); and the twelfth, in Arusum, belonging to Gyseburn itself, and derived from the same benefactor. These places are all part and parcel of the manerium of Aclum, which not only includes Midlesburg and its appertaining vills, but is also noted in Domesday as constituting part of the fee of the Earl of Chester: and, besides this, an equitable partition and settlement having been agreed upon between the contending parties, the monks of Whitby "clamaverunt quietum et solutum" to the canons of Gyseburn "quicquid poterant calumpniare adversus parrochias illorum"—necessarily those affected by the said equitable partition and settlement—"*propter donum Hugonis Cestrensis Comitis.*" It appears to be transparently clear that, when the

[1] The presumption—if not, indeed, the certainty—is that John Ingram was a subfeudatory of Brus. The confirmation by Peter de Brus II. of all the donations of his "men" within his fee, by mentioning William Engelram as lord of the lands in Arusum, is all but conclusive. Arnald de Perci held some land in Arusum, but not much, and it is certain that the Kildale Percies not only originally, but mainly, held under Brus.

[2] Robert Malet, in Domesday times, held ten bovates of land in Newham, three carucates in Tollesbi, one in Aclum, two in Stainton, and one and a half in Tormozbi (Thornaby), all *in capite*. But although the quantities specified in the Brus fee in the places here named are suspiciously alike—*e.g.* in Tollesbi, three carucates, in Tormozbi, one and a half—it is difficult to conceive of any transference from the Malet fee to the Brus fee before 1086 (whatever of the kind may have happened in the 1st and 2d of Henry I.), and still more to account for the lordship of Roger de Moubray, supposing such transference to have taken place. It is at least possible that this carucate in Levingthorp—a vill not separately mentioned in Domesday, but with Arusum (also unmentioned) included in the Manerium of Aclum—was a part of the smaller manor in Aclum included in the Domesday Record in the "Terra Regis."

[3] This is beyond question the carucate specified in the Charter of Confirmation by Stephen, which we meet with in Edward II.'s Inspeximus (No. 582) —"et de feodo Roberti de Brus ecclesiam S. Hildæ de Midelesburgo et unam carucatam terræ, et in Neweham ii car. et ii bov. terræ"—and which in the original grant, and in Rob. de Brus's confirmation, is comprehended in the phrase, "cum omnibus rebus quæ ad eandem ecclesiam pertinent."

Convent of Whitby was able, in virtue of the grant of Earl Hugh of Chester, to allege a claim to the whole tithes and all parochial customs (save only certain burial fees) belonging to the Church of Midelesburg and arising out of the aforesaid lands in the manerium of Aclum, and Robert de Brus, the then owner of all, or nearly all, the Earl of Chester's late interest in the said manerium, and besides that the munificent founder and special patron of one of the contending Houses, is himself a party to "the part" of the other house[1]—under such circumstances, I think it must be abundantly clear not only that the original grant was sufficiently notorious and important, but even so much so that any modification of its tenor required the formal consent and co-operation of the original grantor's successor and representative. And thus, taking into consideration also, that not only did not the Church of Flamborough, with its tithes, ever belong to Whitby—in fact it belonged to Bridlington[2] in the next century—but that no reference, however slight, is ever again made to the subject in the records of the Abbey, I arrive at the conclusion that, in the charter now under notice, although the name Fleinesburg is written, it was so written, by a slip of the copyist's pen, instead of Midelesburg, and that the church of the latter place, with all its tithes and parochial customs (save only the exception noted above), and other appurtenances (the endowment carucate of land, of course, included), was granted[3] by Hugh Earl of Chester, together with the confirmation of the Church of St. Peter at Whitby, to Prior

[1] "Hunc finem et concordiam inter prædictos Canonicos et Monachos concessit et confirmavit ex sua parte Capitulum Canonicorum de Giseburna, et Capitulum Monachorum de Wytebi et Robertus de Brus ex parte sua."

[2] At p. 226 (*Mon. Ebor.*) Burton notes the gift of the Church of Flameburgh to Bridlington by William FitzNigel; and at page 72, in a note to the statement in the text that Hugh Earl of Chester gave the said church and its tithes to Whitby, he adds—"But I can't suppose it could mean Flamburg, because that church was given to the Priory of Bridlington."

[3] Of course it may be alleged that the charter of Robert de Brus (No. 111) involves the original gift and conveyance of the Church of Midelesburgh, with all its appurtenances. It is probably sufficient to remark in reply that, admitting the indisputable grant of that church and its tithes by the Earl of Chester, the charter in question is but a deed of renewed gift and confirmation made requisite by the grantor's accession to what was part and parcel of the Earl of Chester's fee, as well as a conveyance of the new donation of

Reinfrid, and necessarily some time before the Conqueror's decease.

For that the confirmations ascribed to William the Conqueror —one of which moreover is so ascribed in both the Strickland and Museum copies of the Chartulary[1]—are correctly assigned to him there really can be no reasonable doubt at all, Dr. Young's authority notwithstanding. In the first place, to give but one instance of the kind, Henry I., in a charter of confirmation granted by him between 1133 and 1135,[2] confirms to the church of Whiteby—"omnes terras et ecclesias et decimas, et omnes possessiones quas Willelmus Rex, pater meus, et Willelmus Rex, frater meus, eidem ecclesiæ dederunt et per cartas suas confirmaverunt." It is therefore absolutely certain that William the Conqueror, as well as William Rufus, not only made concessions, but granted charters to Whitby. But further it is certain that, granting that the Conqueror conceded one of the confirmations ascribed to him, he granted the other also; for in the Inspeximus of Edward II. (No. 582) after recital of the confirmation which, as above noted, is ascribed to William I. in both chartularies, the document continues "Inspeximus etiam quandam aliam cartam quam idem progenitor noster fecit eisdem Abbati et monachis in hæc verba:—Willelmus Rex Anglorum T[homæ] Archiepiscopo et Alano Comiti et R . . . . Paganello, etc." rehearsing the charter found on f. 153 of the Additional MS. Chartulary (No. 555), the witnesses to which are Archbishop Lanfranc, Osmund Bishop of Salisbury, and William de Perci, and the object of which charter is to secure to Whitby the same privileges as those enjoyed by the several churches of St. John at Beverley, St. Wilfred at Ripon, and St. Peter at York, besides granting and confirming the Church of St. Peter at Hackness, two carucates of land in the same vill, four more in Nordfeld, and two others in Briniston.

two carucates and two bovates at Newham, co-ordinately with new ecclesiastical conditions attaching to the Middlesburgh Church.

[1] The rubricated heading to one of them in the Strickland copy is "Carta Regis Willelmi primi Regis Angliæ de libertatibus Abbatiæ de Witebi." In the Museum copy the heading is "Carta primi Regis Willelmi de libertatibus concessis Ecclesiæ de Witeby antequam Abbas ibi esset."

[2] No. 268.

But further, even if we were not prepared to find charters of confirmation by William I., the names we meet with in this charter—two of them (without including those of Archbishop Thomas and William de Perci) viz., Earl Alan and Ralph Paganel, having been already met with in the Earl of Chester's charter to Reinfrid—and the use of the local name Prestebi would at once lead us to assign an earlier date than that of the reign of the second William to the document; and this too, without specially noting the presence of Lanfranc, who died in May 1089, Earl Alan himself having died the preceding year. And besides, the general character of the charter itself, as well as of that just now referred to as ascribed to William the Conqueror in both chartularies—Charlton says of it that it "contains as ample and extensive privileges as it was in the power of any English King to grant"—taken in connection with the Red King's notorious character, is such as to make it *a priori* tolerably certain that the gifts and charters in question were the father's and not the son's.[1]

That William Rufus was, however, in one instance a benefactor to Whitby it is of course not intended to dispute. He is mentioned once and again in the existing Whitby records as the donor of the Church of All Saints in Fishergate at York, with a special condition attached;[2] and although no copy of

[1] In reference to his grants to St. Mary's at York, Mr. Freeman says (*Norm. Conquest*, iv. 666 *n.*), "In 1088 the house found a strange benefactor in William Rufus." In fact this King's systematic tyranny over and robbery of the Church is in the mouth of every historian of his times, and their words are summarised in much the same terms by Freeman, Green and Stubbs (*Norman Conq.* v. 72, 75, 136, etc., *History of the English People*, 86, etc., *Constitut. History*, 297-300). During the short time of the continuance of Lanfranc's life after William's accession, his vices and oppressions, sacrilegious and other, were kept under some little restraint, though even Lanfranc himself was compelled to remonstrate with him on his conduct, in respect of the Church among other things; but, the Archbishop removed, he broke entirely loose from all sanctions of decency even, and much more of right and respect for even the most sacred claims. Such a man was not very likely to make grant after grant to a religious house such as Whitby then was, and indeed, except on the ground suggested by Freeman, it would be hard to account for his unquestioned gift of All Saints Church at York.

[2] Thus in the Memorial we find the paragraph—"Ex dono Regis Willelmi Ruffi, filii Willelmi Bastardi, Regis Anglorum, (habemus) in Eboraco ecclesiam

his deed of gift was known to either Charlton or Young, still the charters of confirmation by later monarchs made it certain that such a charter existed. A copy of it is given in No. 579, and it will be noted that, in the first place, the King confirms "Ecclesiæ S. Petri et S. Hildæ de Prestebi et de Witebi et Serloni de Perci, Priori de Witebi, et monachis, etc." similar rights and privileges to those of Beverley, Ripon and York; the Port, with wreck, etc.; full and free dominion over all their possessions; all the donations of William de Perci, founder of the monastery; the remission of Danegeld on the lands of royal gift in Hackness, Nordfeld and Burniston; and then, lastly, he bestows the church of All Saints in Fishergate, York, "ad abbatiam constituendam, cum soca et saca et toll et team et infangenetheof, et cum omn. pert. suis, et cum omn. libertatibus quas meæ propriæ abbatiæ habent, ut ibi monachi libere, et in pace, die ac nocte, Deum deprecentur pro me et pro hær. meis, Regibus Angliæ."[1]

While reserving the character and quality of the benefactions specified in the charters so far noticed for fuller consideration in the sequel, it may not be inexpedient here to give a few moments' thought to one circumstance in connection with them which appears to demand attention. I mean that, while the historical statements before us mention Reinfrid as applying to William de Percy, the charter actually conceded is conceded by Hugh of Chester. Probably it is enough to remark that in Domesday William de Percy is named only as a sub-infeudatory at Whitby of Earl Hugh (although a tenant *in capite* at Hackness, as it may be important to note), and that, of course, as

Omnium Sanctorum de Fishergate, cum omnibus pertinentiis suis, quam dederat Serloni Priori et Monasterio de Witebi in elem. perp., ea pactione ut ibi monachi predictæ Ecclesiæ Deo servirent, et pro eo orarent, et pro hæredibus suis." And again on the first paper leaf, (No. 384), "Dotata est Ecclesia monasterialis de Whitby, ex dono Willelmi Ruffi filii Willelmi Bastardi Regis Anglorum, in Eboraco ecclesiam Omnium Sanctorum de Fishergate, cum omn. pert. suis, quam dederat Serloni Priori et Monast. de Whitby in elem. perpetuam."

[1] The existence and character of this charter seems to add some force to a remark of Mr. Freeman's :—"The few churches towards which Rufus appears, not as a spoiler but as a benefactor, are those which owed their foundation to his father."—(*Norman Conquest*, v. 73.)

long as this condition of affairs lasted that baron's confirmation of any gift by de Percy would be requisite.[1]

Examination of the narrative professing to be by Stephen of Whitby, ultimately Abbot of St. Mary's, York.

Let us now revert, still bearing in mind the conclusions arrived at as to the fact and the nature of the grants by Hugh, Earl of Chester, to Reinfrid, and not losing sight of the further fact that there were certainly two charters of donation and confirmation by the Conqueror, to the narrative professedly left by Stephen of Whitby. The statement therein involved is that, in the year 1078, during the Archiepiscopate of Thomas at York, having cast away all fleshly pleasures and cares of the world, he assumed the monastic habit and profession at Whitby, among a company of brethren who were zealous in their desire to restore that place to something of its pristine condition as a holy house. At the head of these brethren was a certain Reinfrid, a man strong in goodness and conspicuous for his heavenly virtues.

Reinfrid is then described as having resorted to Jarrow, and remained there some time, intent on leading the life of a solitary; but many others, induced by regard for him, having joined themselves to him, a religious society was formed, with whom, for a space, he served God manfully under the discipline of strict rules. Seeing the brotherhood, after a period of such training, strengthened and confirmed in the habits of a religious life, and still mindful of his original desire, he bids them, grieving sorely over his departure, a final farewell, and comes to Whitby "for the purpose of leading a solitary life."[2] But there also his fame was spread abroad, and many resorted to him with the desire of remaining permanently associated with him in the duties and practice of a life of religion. Among these Stephen himself, anxious to live to God alone, took upon himself the habit of holy religion, "sub ejus (Renfridi) magisterio et prioratu." But, a few days only having elapsed, Reinfrid, and no less all the rest of the "congregatio," who in fact

[1] It appears to be quite uncertain at what period William de Percy finally became tenant *in capite* at Whitby in place of the Earl. The following entry at the head of the Clamores de Everwycscire in Domesday is not without interest in this connection:—"In Langeberge Wapentac calumpniatur Hugo Comes super Willelmum de Perci i carucatam t'ræ in Figelinge, dicens eam pertinere ad Witebi. Set testimonium non habet."

[2] "Solitariam vitam ducendi gratia."

were only assenting in what they did to his counsel and command, imposed the direction or government (" procurationem ") of the entire monastery on Stephen's shoulders; and, although he manifested long-continued unwillingness and opposition, eventually, and in obedience alike to the command of the King and the two Archbishops, chose him—not simply for their Prior, but—their Abbot.

Now, either Symeon of Durham and the Whitby Memorialist are utterly and entirely mistaken in their statements, or the alleged narrator of the above story is making mis-statements: and, of course, if we look upon the narrator as also certainly the actor, inasmuch as he tells the story in the first person, he makes them knowingly and purposely. He makes Reinfrid go to Jarrow to lead the life of a solitary. Symeon states that he was not allowed to leave Evesham on any other condition save that he and Elfwy both should be under the control and spiritual charge of Aldwine; and when he goes to Jarrow he goes on just the same conditions. A monastery, with its band of brethren, having been constituted there, two of the brethren set forth again "to work a like work elsewhere, the Lord assisting them," and, in the sequel, Reinfrid withdraws from his companion to go to Whitby; where, receiving those who came to him, he commences the institution of a monastic settlement. The alleged Stephen makes him go there, as to Jarrow, simply out of special desire to lead a solitary life, and with no reference to any ulterior monastic project at all.

But, again, the alleged Stephen describes himself as assuming the monastic habit at Whitby, having gone thither after Reinfrid had already gathered together, "under himself as Master and Prior," a considerable number of monks, and habituated them to the rule of religious living. Notwithstanding which, raw novice as he, Stephen, was himself; tried, practised, trained, experienced as Reinfrid was, by his Evesham initiation, by his maturer Jarrow endeavours and labours and successes, by his still further continuance in the same toils and cares at Whitby; the whole brotherhood, with Reinfrid at their head, and at Reinfrid's suggestion and desire moreover, solicit the former to become their head and ruler, and elect him not simply into the place assumed to be vacated by Reinfrid, but

as Abbot, and that by the command of King and both Archbishops alike.

Inquiry as to who and what Reinfrid may really be assumed to have been.

But, setting aside the preposterousness of a statement such as this in its various parts, and not least in its last part, especially taken in connection with the fact that the next superior of the establishment, namely Serlo de Percy, was indisputably Prior and not Abbot, it will be well to give a measure of regard to the question as to who and what Reinfrid really was. Mr. Freeman, in his brief notice of the revival of religion in the North, speaks of Reinfrid or Regenfrith as "seemingly a lay-brother,"[1] and adverts in a note to Symeon's description of him as "ignarus litterarum," and on the next page goes on to say—"But Regenfrith, now we may presume no longer ignorant of letters, went forth as the reviver of the Monastery of Whitby." In some way or other—perhaps owing to the misconception so easily and unsuspectedly associating itself with the phrase, "an illiterate man"—the idea tacitly connected with Reinfrid seems to be that he was a common sort of a man, and, as a soldier, just what we should speak of now-a-days as a "common private," or one of "the rank and file." If the Whitby Memorialist may be assumed to have really known something of the man he speaks of as the first Prior of the revived Monastery, he was neither a lay-brother nor a common soldier. He describes him as "monachus de Evesham,"[2] and as having been "miles strenuissimus in obsequio domini sui Willielmi Bastardi;" and moreover, with sufficient independence of action to be able to turn aside to Whitby when on his road—whether simply journeying or professionally marching—through the province of Northumbria. Surely the least that can be made of such a description is that he was in some sense or other a distinguished soldier, and in the direct service—a personal follower—of the King himself, in contradistinction to any other or meaner "lord." No one who bears in mind the nature and terms of military service in those days can suppose, when such terms are employed, that he was other than "a man

[1] *Norman Conquest*, iv. 665.

[2] "Deinde apud Evesham in provincia Merciorum monachus factus est, et monasticis disciplinis bene instructus;" this is the account given in the Memorial.

under authority, having soldiers under him;" and that his rank was not a very subordinate one there are other considerations tending to show.

For instance, his son[1] was obviously a man of some distinction as well as wealth. Charlton himself makes him out to have been Dapifer—that is, as he explains it, "butler, or cupbearer"—to the family of de Arcubus; and this not only with no better authority than the fact that he holds under Osbert or Osbern de Arches (whose confirmation of his grant to Whitby of two carucates in Tholestun is given in two separate charters, Nos. 88 and 235),[2] but in the face of a direct statement to the contrary made in the body of the Memorial. To myself, even in the absence of such direct statement, yet from his frequent presence at the execution of important charters by members of the Percy family, it would always have appeared more probable that he was Dapifer to the head of that great family, in other words to Alan de Percy himself; but the question is set at rest at once by the simple entry in the Memorial just referred to—namely, "ex dono Folconii, Dapiferi Alani de Perci, duas carucatas terræ in Thoulestune."[3]

[1] Charlton's sagacity led him to infer that Fulco filius Raynfredi was a son of Reinfrid the Prior (*Whitby*, p. 60), a fact that is placed quite beyond doubt by the entry of his name in full as "Fulco Dapifer filius Reynfridi Prioris de Whitby" among the witnesses to two of the charters rehearsed in the Inspeximus of Henricus filius Henrici de Percy, found on f. 6 (or f) in the Museum Chartulary.

[2] The terms employed in the one (No. 88) are "concedente d'no meo Osberto de Arches," and in the other (No. 253), "consensu et licentia d'ni mei Osberni de Arches." Touching the duplicate form of the name Osbert or Osbern, it may be noted that the same peculiarity is met with in the Domesday record for Yorkshire. Thus, on p. i^b (Facsimile copy), the form Osbertus is met with; in the list of fees, p. ii^b, it is Osbern, as it is also in the description of his fee, p. lxiii *et seq.*, and in the Clamores, p. lxxiv. In No. 89 is a further confirmation by William de Arches.

[3] "In Toglestun et Neuueton et Oglestorp, habuerunt iiii taini . . . vii carucatas terræ et vii bovatas. Nunc habet Fulco, homo Osberni, ibi i carucatam et v villanos, cum i caruca et viii acras prati.

"In Neuton et Oglestun, habuerunt v taini iii carucatas terræ ad geldum. Terra est ad iiii carucas. Ibi Fulcho, homo Osberni, habet i carucatam et vii villanos, cum ii carucis, et xvi acras prati et sectam i molendini."

These are the Domesday entries touching the maneria in the fee of Osbern

The facts then are patent that Prior Reinfrid's son held an office of distinction in a great family, and that he was sufficiently well feoffed under another great family to be able to bestow a donation of two carucates upon the rising Abbey of Whitby: both of them facts not very consistent with the foregone conclusion as to the poor estate of the father, antecedently to his becoming Prior of the reviving monastery of that place.[1]

Passing these several considerations under review, it is seen to be very difficult to accord our belief to several of the statements in the narrative of the alleged Stephen. On the face of

or Osbert de Arches, held of him by Fulco filius Reinfridi Dapifer. But besides, the following is to be noted :—

"In Snechintune habuit Blacre i carucatam terræ et dimidiam ad geldum, et i caruca potest ibi esse. Nunc habet Fulco de Willelmo (de Perci). Ipse ibi i carucatam et v villanos; dimidiam carucam et ii acras prati.

"In Inglvestvet habuit Gamel viii carucatas terræ ad geldum, ubi possunt esse iiii carucæ. Nunc habet Fulcherus de Willelmo, et wastum est."

Thus Fulcho appears to have held largely under both families, de Perci and de Arcis.

[1] There is a remarkable entry in Dodsworth, vol. ii. p. 2^b, which may possibly throw some light on the birth and extraction of Prior Reinfrid. It is involved in the following transcript :—

"Carta 31 Edw. i. m. 1.

"Rex omnibus etc. Inspeximus cartam Henrici Regis, patris nostri, in hæc verba :—Henricus, Rex Angliæ, etc. Sciatis nos confirmasse ecclesiæ Sanctæ Mariæ et monialibus de Appleton etc. Ex dono Aliciæ de Sancto Quintino scitum loci etc. : Ex dono Roberti, filii Roberti filii Fulconis, filii prædictæ Aliciæ de S. Quintino, terras in Immingham : Ex dono Roberti Dapiferi et Roesiæ uxoris suæ ecclesiam de North Elkington : Ex dono Willelmi de Kyma xxx acras t'ræ in Elkington, cum communi pastura quantum pertinet ad ii bovatas t'ræ ejusdem villæ. Has autem xxx acras t'ræ dedit eis pro ii bovatis quas Robertus Dapifer, pater Margaretæ, uxoris suæ, eis dedit die obitus sui. Dat. A° regni nostri xxxiii."

To this Dodsworth appends a short genealogical table, showing that Alicia de St. Quintin was daughter to Aymer de Arches, founder of the monastery of Keeling, and that her son Fulcho was father of Robert and Gilbert. But Fulcho filius Reinfridi is father of Robert and Gilbert also; and the probability is, as Roesia was a widow in 4 Henry III. [H.H.H. 55] (122?), and thus the dates would accommodate themselves fairly well, that the Fulcho mentioned in the above Confirmation is also the son of Reinfrid, and that thus some further clew to the condition and connections of Prior Reinfrid is given us.

them they are not consistent with either reason or probability;[1] and inasmuch as they are inconsistent with the statements of other writers whose accuracy and acquaintance with the facts concerned, apart from the narrative itself, there is no reason to suspect, there can be little hesitation in rejecting them as incredible, perhaps even in discrediting them as fictions, if not falsehoods.[2]

On the whole, then, we assume the material truth and accuracy of the statements of the Whitby Memorialist touching Reinfrid, his priorate, its unbroken continuity, his death as recorded, and, what should not be omitted, his burial at Hackness; and, continuing to pay attention to the said narrative, we are informed that, after Prior Reinfrid's death, Serlo, the brother of William de Perci, was invested with the vacant office, and remained in it until their nephew, William de Perci, was created Abbot.[3] And it is also noticed that the creation in question took place at some undefined time before William de Perci went to the Holy Land.

Dr. Young, in speaking of the events here recorded, simply says, "Serlo was succeeded by his nephew, William de Percy, who obtained the title of *Abbot*," having at a previous page

[1] It may be remarked that the same character appertains to several of the statements made in that part of the narrative which bears immediate reference to the proceedings connected with the foundation and endowments of St. Mary's Abbey at York. There is much of inconsistency and improbability involved, which this, however, is not the place to expose.

[2] The view I am inclined to take of this composition is perhaps indicated in the terms employed in describing it in the text, as that of "the *alleged* Stephen." In other words, I do not feel inclined to look upon it in its existing form as emanating from Stephen at all, or as originating in Stephen's time, or indeed at any period very near his time. On the contrary, it looks much more like the production of some admirer of Stephen, whose object it was to add distinction to his name, and who, with some amount of real knowledge—whether derived from tradition or from written sources—drew upon his imagination also, and was besides not too careful to avoid local and other inaccuracies and inconsistencies. Regarded, therefore, as in connection with Stephen as its author, I look upon it as a forgery.

[3] "Post obitum vero Deo dilecti Reinfridi Prioris, Serlo frater Willielmi de Perci officium ejus suscepit, et in eo permansit donec Dominus Willielmus nepos eorum Abbas de Witebi effectus est. Denique nobilissimus Willielmus de Perci Ierosolimam petens," etc.

noticed the obscurity involving the precise date of the death[1] of the former, and it is quite evident that he regards the succession of William de Percy as consequent on the death of Serlo; that, in fact, it never entered into his mind to suppose any other sequence of events. Charlton's language is as precise as possible in delivering the same view, and still with his characteristic dogmatism in the affixing of dates. "Serlo," he writes, "continued to preside with great reputation as Prior in the Monastery of Whitby, for almost twenty years, and died about the year 1102. . . . He was succeeded, as Prior of Whitby, by his nephew William."[2]

Only a small measure of attention to the terms actually employed by the Memorialist—the only authority I believe either assumed or available by these two writers—will be sufficient to prove that if any statement of the kind is made, it is that Serlo remained Prior only until he was superseded by William as Abbot. Whether William was put over his head in the new dignity acquired for the House of Whitby, while he still remained in the now subsidiary post of Prior, or whether he resigned the office altogether and ceased to bear any prominent part in the rule of the House, we may have no absolutely positive grounds for deciding; although, as will be more fully seen in the sequel, we are not quite without means for arriving at a fairly satisfactory conclusion.

[1] *Whitby*, pp. 253, 257.

[2] *Whitby*, p. 62. The author continues his statement thus:—"Who had for several years lived as a canon or monk there, and was unanimously elected by the whole fraternity." Charlton has no authority whatever for making the latter part of this statement. It may be true, or it may not, but it rests on no testimony. And it is one of a thousand others in Charlton's volume of which the same may be said. As to the former part of it, he overlooks the difference between monk and canon; he is without authority for stating that "William de Percy Canonicus" had lived at Whitby for several years; and he further overlooks the fact that Will. de Percy Canonicus was still described in those terms in the time of Robert, son of Fulco Dapifer son of Reinfrid, the Prior, or, in other words, long after (even according to Charlton's autocratic mode of dating, and much more according to the statement of the Whitby Memorialist) Abbot William de Percy had commenced his period of headship. There is very little doubt that William de Percy, the canon, was a brother of Alan de Percy, and son of William de Percy hote Lesgernuns "The Founder," and consequently cousin to Abbot William. See note 3 to No. 89.

But, however this may be, it is by no means impossible that this circumstance—what I have termed the supersession of Prior Serlo by Abbot William—may help to throw a little light on more than one obscure point in the early history of the resuscitated monastery. The alleged or pseudo-Stephen states that, after a measure of success and prosperity had begun to wait on his efforts as Prior—that is, after he had relieved Reinfrid of that office—to repair and restore matters in and about the monastery, "one of the barons of the king, namely, William de Percy, who had been the original donor of the place"—Stephen says, "to us," though admittedly he only joined the community some time after the gift had been made to Reinfrid, and taken advantage of by him moreover—seeing the improvements effected, began now to assail the brotherhood directly and indirectly, and even strove to drive them forth by every available means; and he repeats the charge in still wider terms a few lines further on.

Yet another writer[1] is there, moreover, who enlarges on the violence and injustice of William de Percy displayed towards the rising Whitby community, but, from our entire ignorance of who he was and when he wrote, it is difficult to estimate the measure of authority which might be supposed to go with his statements. He says that, after the temporary retreat of the Whitby monks to Hackness (of which more at a later page) "a very great strife arose between the two brothers William de Perci and Serlo, Prior of Whitby," occasioned by the circumstance that the former had given the vills of Stachesbi[2] and Everley to Radulphus de Everley, "armigero suo qui annis multis serviebat," and that really William de Percy desired to take away from Serlo all the lands and vills he had previously given to the monastery. He says further that Serlo, on ascertaining this, goes with all speed to the king, trusting to his former intimacy and friendship with him when both were young soldiers in the house and court of the Conqueror. He states that Rufus gave strict charge to William de Percy, "ut

[1] See the extract from Dodsworth, *antea*, p. xxxviii.

[2] I give the reading Stachesbi, principally because Stachesby represents a known place, and Scaxby does not. The legend, if legend it be, would connect itself with some place in the Whitby possessions.

Serloni fratri suo, Priori de Whitby et de Hackenas, et monachis ibidem Deo serv., suam omnimodo firmam pacem teneret, nec eis ullam molestiam inferret;" and further, that in the desire to put some sensible distance between himself and his brother and to abide within the king's fee, Serlo begged the king to give himself and his monks, in perpetual alms, six carucates of land in his demesne, namely, two at Hackenas and four in Northfeld, with all their appurtenances.

Now there is, I think, in this story, as in that by the alleged Stephen, certainly a mixture of fact and of fiction; only, that the latter proceeds rather from misconception, or imperfect information perhaps, than from that vein of misrepresentation which, it seems to me, is the leading feature in the Stephen narrative—

1. In the first place, I doubt, and on divers grounds, the accuracy of the statement concerning Ralph de Everley.

2. In the second, I doubt the accuracy of the statements—there is one preceding the extract I have given—touching the royal donations at and near Hackness.

3. And in the third, I doubt the statement—as it stands and is meant to imply—about the wish of William de Percy to take all the lands and vills he had given to Whitby from his brother Serlo.

That there was a dispute between the brothers I think possible, and more than merely possible; that William de Percy adopted the alleged line of conduct in the Priorate—Stephen's according to the pseudo-Stephen, Reinfrid's according to the Memorialist—preceding Serlo's, and again in Serlo's, I do not think probable. That we may be led on to think the difference arose during the latter period, and that the pseudo-Stephen wrongly puts it in the earlier period, I deem to be consistent with the facts which we are certain of, and which are such, when taken together, as to lead on to probable presumption as to the nature of the dispute or difference, as well as to the facts of its being: and to a full consideration of these matters we shall come in due time. For the present, other matters must claim our attention.

1. First, as to Radulphus de Everley. His name occurs as witness to a charter by Alan, son of Radulphus de Ferlington,

Considerations tending to throw discredit on the statements touching Radulph de Everley.

which could not have been granted earlier than about 1135; he is also witness to two charters by Alan Buscel (son of Reginald Buscel), who was a nephew of Abbot William de Percy, and probably a grandson of the man whose "armiger" Radulf de Everley is said, and through many years of service, to have been. But besides all this, which tends to make the alleged Armiger a much younger man than the date of the assumed grant to him would require—to belong, in fact, to the generation next in succession—the language of the charters is hardly consistent with any such grant. For we find William de Percy, early in the reign of Rufus, conveying and confirming, among many other large grants, "Nordfeld, Sudfeld, Everlaye et Brokesaye et Tornelaye;" his wife Emma de Port, his sons Alan, Walter and Richard, his kinsman Ernald de Percy (lord of the Kildale and Ormesby maneria), the Archbishop Thomas, Fulco Dapifer, Gilebert fitzAdelard (a witness to Earl Hugh's grant already noticed) being among the witnesses. Also, towards the close of Rufus' reign, or at the very beginning of Henry's, and certainly between 1097 and 1101,[1] we have a charter from Alan de Percy confirming the vills of Filing, Haukesgarth and Normanby, which Abbot William had bought of Tanchardus Flandrensis, to which Radulphus de Everley is himself a witness; and early in the reign of Henry I., other two charters by Alan de Percy, in the second of which he formally confirms to Whitby Hackness and the two churches of St. Mary and St. Peter there,

[1] I think this is to be inferred from the terms employed when Hugh, Earl of Chester, is named among the other persons to be prayed for:—"Omnes has vero ecclesias, etc., dedi Deo etc., pro s. animarum Regum Angliæ, etc., et pro Hugone Cestrensi Comite, et pro salute animæ meæ, etc." Compare the corresponding passage in the next preceding charter—that of the Founder:—"pro anima d'ni mei Willelmi Regis Anglorum et d'næ meæ Matildis Reginæ; necnon pro d'no meo Rege Willelmo eorum filio . . . et pro d'no meo Hugone Cestrensi Comite et pro animabus omnium parentum meum, et pro memet ipso, et Emma de Port uxore mea, at Alano de Perci filio nostro, etc.," as to which one cannot but observe that there is a marked difference in speaking of those already dead and those who are still living, but for whom, equally with those who are dead, the prayers of the Church are desired. The same is true in this first charter by Alan de Perci. Hugh, Earl of Chester, is yet living: the prayers desired are desired for him, not for his departed soul. And hence, as he died in 1101, the date of the charter may be very safely and very approximately inferred.

with the vills of "Nordfeld, Sudfeld, et Everlaye, Brocesaye et Torenlaye," precisely as in his father's charter, and without the slightest hint or reference to intimate that there had been any alienation, or was now any restitution, of the vill of Everley. In fact, there can be no reasonable doubt that, just as this same Abbot William granted to Ascatil or Ascatin, son of William de Newham, the vills of Haukesgarth and Normanby in exchange for Newham, hitherto held of the Abbey by his said father, and he from that time forth was called Ascatin de Haukesgarth. So Everlaye was held of the Abbey by Radulphus, the grant having been made to him not long after the acquisition, in virtue of the grant which was formally confirmed in the charter of William de Percy just now quoted.

Considerations tending to throw discredit on the statements concerning the Royal grants at Hackness.

II. To turn next to some consideration of matters connected with the statements touching the place called Hachanes, Hachanos, or Hackness. I suppose the first distinct mention of this place in relation with Whitby is that made by Bede in his *Historia Ecclesiastica*. After having mentioned the death of Hild (which took place November 17, 680), he goes on to mention an incident alleged to have taken place, coincidently with her death, in the monastery at Hacanos, which monastery Hild had herself established in the course of that very year.[1] This monastery or cell was destroyed by the Danes in 869, but it is remarkable that no sooner is the work of restoration heard of at Whitby, than we hear also of coincident connection of Hackness with the reviving monastery. In the Memorial, Reinfrid is stated to have been buried in the cemetery of St. Peter at Hachanos, at the middle point of the east end of the church; and a little below, among the early gifts to Whitby, occurs the significant mention of "the church of St. Peter at Hachanesse, where our monks served God, died, and were buried."[2] And it is further to be observed that in the charter by William the Conqueror, to which Lanfranc, Bishop Osmund

[1] Bædæ, *Eccl. Hist.* p. 266. (Oxford, 1869.)

[2] The entire passage is:—"Villam de Hachanesse et duo molendina, et ecclesiam S. Mariæ ejusdem villæ, et ecclesiam S. Petri, ubi monachi nostri Deo servierunt, obierunt, et sepulti sunt." The language clearly implies a monastic settlement at St. Peter's, which had already been one of continuity, early as the date of the Memorial certainly is.

and William de Percy are witnesses, the King explicitly concedes and confirms to the church of Whitby and Prior Serlo, over and above like liberties with those of the churches of Ripon, Beverley and St. Peter of York, the church of St. Peter at Hackness, as well as two carucates of land in the same vill, four more at Nordfeld, and two in Briniston, together with "saca and socna," and immunity from Danegeld as to the said lands; the language as regards the church being unmistakably that of a confirmation, and not of an original grant.[1]

It is almost idle to say that it seems by no means improbable —for the inference is almost forced upon us—that Hackness, or, to speak more specifically, the church of St. Peter there, with its patrimony or appurtenances—of whatever extent the latter may have been—was looked upon from the first as among the matters of property or possession appertaining to St. Peter's of Whitby. Hugh of Chester confirms, or at least concedes, to Prior Reinfrid and his convent, the church of St. Peter of Whitby and all things which pertain to it;[2] and it is certainly easier to connect the grants by the Conqueror and William de Percy[3] of land at Hackness with a monastic church already

[1] "Concedo etiam et confirmo eidem Ecclesiæ de Whiteby (i.e. Ecclesiæ S. Petri de Presteby et de Whiteby et Serloni Priori et monachis ibidem Deo servientibus) ecclesiam S. Petri de Hachanessa, et in eadem villa ii carucatas terræ, et in Nordfeld iv, et in Briniston ii, cum saca et socna, et sine omni geldo."

[2] The wording is, "et omnia quæ ad eam pertinent," in place of the customary "cum omnibus suis appendiciis," and so far the verb is "concessi;" and then to the said monks and their church he further makes the gift or grant of ("dedi") the church of Midlesburg (written Fleinesburg) and its tithes. The words "omnia quæ ad eam pertinent" are of wide extent, and may well include not only (as they, I think, certainly did) the Port and its accompanying rights, etc., but what had been one of the most important portions of the property of the old foundation—namely, Hackness and its monkish church, which one, at least, of the three named in Domesday as still in being then, clearly was.

[3] I think it is important to note that from the language and tenor of the charters themselves, quite independently of any other source of information or deduction, there were at least, so to speak, two periods of benefaction on the part of William de Perci—the first, which is marked by the, in part, confirmatory charter of the Earl of Chester; the second, which is designated by his own charter, to which his wife, his heir Alan, and his other sons Walter and William, as well as Archbishop Thomas of York, are described

existing there, and possessing lands and rights, than to suppose the old connection between Whitby and Hackness had been lost sight of, and was now, for the first time since 869, recalled to mind and acted on.

At least thus much is incontestably clear—that when Domesday was compiled there was land at Hackness which was definitely the land of St. Hilda. The entry, among the lands of William de Perci, involving Hackness is as follows:—"MANERIUM. In Hagenesse, et Sudfelt, et Evrelai sunt viii carucatæ terræ ad geldum, ubi possunt esse v carucæ. De hac terra sunt ii carucatæ in soca Walesgrip; et aliæ sunt de t'ra S. Hildæ. Nunc habet Willelmus ibi ii carucatas et xiiii villanos, et iiii bordarios cum iiii carucis. Ibi iii ecclesiæ et presbiter. . . . . T. R. E. valebat vii libras, modo xx solidos." And in the summary at the end there is this further addition to the information thus conveyed:—"In Sudfelt et Evrelag," held by William de Perci, were "vi carucatæ," and in "Hagenesse iiii carucatæ." The sum thus given is ten carucates as against eight specified in the earlier entry. But without troubling ourselves with the question whether the discrepancy is due to a mistake of the scribe, or to some other cause, it is clear that in 1086, while two carucates are still in soke of the Royal manerium of Walesgrif, and two are in William de

as not only "Testes," but "Concessores." In the first case he grants the church of St. Peter at Whitby, "et omnia quæ ad eam pertinent," which grant I look upon as in part expanded and explained, as well as confirmed, by the Charter of William the Conqueror (No. 184); for, besides the Port and its waters, forest and forest rights, a variety of other privileges and liberties are named, only consistent with the possession of considerable domains and ecclesiastical endowments. In the second he confirms the former gift, with fuller details as to what really and specially appertained to the church of St. Peter, inclusive of the port, and with the addition of St. Mary's Church at Hackness, and a variety of tithes and other profits elsewhere. And it is to be remarked in reference to "other sources of information or deduction," that the memorialist speaks with entire precision of just two such periods of benefaction on the part of William de Perci. His words are: "Omnes terras, possessiones, forestas, ecclesias, decimas et libertates quas sæpenominatus idem Willelmus de Perci, cum Alano de Perci filio suo, Monasterio de Witebi dederat *inprimis*, necnon *in ultimis temporibus suis* antequam Ierosolimam peteret." This last clause is important as going near to fix the date of the later and fuller donation.

Perci's demesne, the remainder (whether four carucates or six) is specifically St. Hilda's land and of the fee of William de Perci.

How long this had been the case there is of course no means of ascertaining, so far as the Domesday Record itself is concerned; the fact remains nevertheless: and assuming the date alleged in the Stephen narrative to be a probable one—which I think it may be affirmed to be by the common assent of all writers on the subject,—and that the first donation followed hard on Reinfrid's initiatory proceedings at Whitby, we have but a period of seven or eight years to assign as the period of possession previously to the Domesday inquiry.[1] Beyond all question, however, the grant of the two carucates at Hackness by the King—and these of course must be the two in soke of the Walesgrif manerium—must have been made subsequently to the year 1086, and thus, I think, a date approximate to within a few months, is arrived at for the Royal grant, of the specified lands at Hackness, Nordfeld and Briniston. For, from the considerations already advanced, and which appear to me to be of such a nature as to be altogether conclusive, it is entirely apparent, first, that the charter in which the gift of the

[1] There is another consideration tending to show that the monastic connection of Hackness, and especially through the church of St. Peter there, was one of old and long-continued standing. In the charter of confirmation granted by William de Percy, son of Alan de Percy, and grandson of William de Percy (Ove les gernuns, the Refounder) (No. 26), after the mention of Hackanessa and the Church of St. Mary in the same vill, we find the further mention of "the Church of St. Peter, with all its appurtenances" confirmed with the intent that "certain monks of the aforesaid church of Whitby may continuously sojourn there, and serve God and St. Hilda praying for the souls" specified at the beginning of the charter. And on examination this clause is seen to be a rehearsal, almost verbatim, of a clause in the charter of William de Percy, the founder, where it stands "et Portum (   ) et Hachanessam, et ecclesiam S. Mariæ ejusdem villæ, et eccl. S. Petri, cum omn. pert. suis, ut jam dicti monachi de Wyteby in pace sint et orent pro animabus prænominatis." The presumption certainly is, not that the Church of St. Mary was a later grant, which we know it was, but that it was a grant in augmentation of an existing monastic foundation of less recent date. It may be here noted, too, that after the word "Portum" in the preceding extract there is an erasure, on which no subsequent insertion has been made; and that the words "in pace" are written in red ink, a peculiarity not met with in any other part of the volume.

said lands is specified, and by which it is formally conveyed, is a charter of the Conqueror's, and not of his son William's; and second, that the charter of the latter—proved his beyond question by the specified grant of the church of All Saints in Fishergate—deals with the aforesaid lands as already in the possession of the monastery in virtue of a former grant by another than himself—" de terris quas de dominio meo possident," being the terms employed. The fact that remains, then, is that the lands in Hackness and Nordfeld, alleged by the unknown writer whose statements are under examination to have been granted by Rufus, at Prior Serlo's petition, to him and his monastery, were not so granted by him, but had been given by his father in the interval between the date of the Domesday inquiry and that of his death. And this being so, the doubts as to the accuracy and trustworthiness of this unknown writer, suggested by his statements made in reference to Radulfus de Everley, are still further provoked, and greatly augmented, by this detection of a direct historical misstatement—possibly unintentional as it may really have been.

But there is yet another historical misstatement involved in the same narrative which still further diminishes any confidence we might even wish to feel in the writer in question. Hackness was not only not " in feudo Domini Regis," but was in reality in that of William de Percy, at a distance from whom and whose territory the petitioner for these lands is represented as wishing to remove himself and his monastery; a circumstance which inevitably discredits either the writer's honesty or his qualification as a trustworthy historian.

We have still the statements touching the desire manifested by William de Percy to take from his brother all the lands and vills he had hitherto bestowed on the monastery to inquire into; but before doing so, there are other matters which it will be better to pass in review and consider—matters which depend on an entry in Domesday of such a nature as to introduce new perplexities. It is this:—speaking of Whitby with its sokes, these latter amounting in all to twenty-eight carucates liable to Danegeld, the compiler says—" Hæc habet Hugo, et Willelmus de Perci de eo. Pæne omnia wasta. Tantummodo in Prestebi et Sourebi quæ de Willelmo habet Abbas Ebora-

censis, sunt ii carucatæ in dominio, et viii sochmanni cum i caruca, et xxx villani cum iii carucis, et i molendinum x solidorum, et xxvi acræ prati per loca."

The Domesday statement then is, that the Abbot of York holds of William de Perci (William de Perci himself being a subinfeudatory of Hugh of Chester, who is the tenant *in capite*) Presteby and Soureby, containing, the former two carucates, and the latter four, liable to Danegeld, and by as purely secular a holding as any other sub-tenant mentioned in the account of the entire fee. Further, in these two vills there were two carucates "in dominico," which alone, out of all the forty-three carucates comprising the capital manor of Whitby itself, its berewic Sneton, and its various sokes, formed an exception to the miserable "omnia wasta" applicable to the rest; and on these two carucates eight sochmanni, with the apparently pitiful equipment of one plough,[1] and thirty villanes with the more pitiful equipment of three ploughs in all, are returned as finding employment and maintenance.

In the territory of Prestebi and Soureby then, comprising in all six carucates, there were, according to Domesday, two carucates not waste, and, in so far, unlike all the rest in the entire manor; but there is no specification as to the precise locality of these two carucates, as being situate in one of the two vills rather than in the other, or jointly in both; least of all, any allegation that they were exclusively in that of Prestebi, and just as little that these two were held by the Abbot in frank almoigne.

The statement in the Memorial, in one place, is—"dedit autem illi (Renfrido) strenuissimus prædictus Willelmus de Perci antiquum monasterium S. Petri Apostoli, cum duabus carucatis terræ in Prestebi, in elemosinam perpetuam," the earlier mention of the same fact having been thus expressed:— "in loco qui olim Streoneshalc vocabatur, deinde Prestebi

[1] Other entries, touching on the same matter, and derived from the notice of the fees of William de Perci and the Earl of Chester, are as follows:— In Semer (near Scarborough), 15 villanes and 4 ploughs; Atune (Ayton, near Scarborough), 18 villanes and 6 ploughs; Hacknesse, Sudfelt and Evrelai, 14 villanes, 4 bordars, and 4 ploughs; Aclum and Englebi (Aclum and Ingleby Barwick), 12 villanes and 3 ploughs; Cattune, 32 villanes, 6 sochmanni and 17 ploughs.

appellabatur, nunc autem Witebi vocatur, Willelmus de Perci, cognomento Lesgernuns, tempore Willelmi Bastard (nothi) Regis Anglorum ibi fundaverit Monasterium in honore Sancti Petri Apostoli et S. Hyldæ Abbatissæ, atque Reinfrido monacho de Evesham cum sociis suis, quos sibi adquisiverat, ipsum locum commendaverit, et primo duas carucatas terræ in Prestebi illi tradidit."

Dr. Young, while remarking on one page[1] that "the lands at Whitby," namely "the six carucates at Presteby and Soureby in the manor of Whitby," "were scarcely considered as church property, being held by the Abbot Stephen as a vassal or tenant under the lord of that manor," at another[2] makes "no doubt" that these "lands of Presteby and Soureby in Whitby manor are the same which William de Percy gave to Reinfrid and his fraternity," and more explicitly still, in a third place,[3] adds, "The lands of Prestebi, consisting of two carucates, are obviously the same which William de Percy first gave to Reinfrid and his fraternity, as stated in the Memorial; and unto these had been added the lands of Sourebi (supposed to be Sneaton-Thorp), consisting of four carucates." He omits, however, to notice the discrepancy between the statement of his authority, the Memorialist, as to the nature of the gift to Reinfrid—"in elemosinam perpetuam" —and that of the tenure by the Abbot of York previously noted by him. It would appear to me that the gift in free alms to Reinfrid, and the grant in ordinary tenancy to the Abbot of York, must be two distinct matters, and that the lands concerned in either, at least most probably, must be as distinct as the gift and grant themselves. That there was a gift to Reinfrid there can be no doubt whatever, and, admitting that gift, it must, in order to its validity, have been confirmed by the tenant *in capite*, or Hugh of Chester; and yet further, admitting the authenticity of the said Earl's charter to Reinfrid —and for doing so we have seen not simply weighty, but I think conclusive, reasons—then we must also admit not only the grant of the church of St. Peter but also of "omnia quæ ad eam pertinent," and it will be hard, in the face of all the preceding considerations, to limit the meaning of this phrase so as

[1] P. 93. [2] P. 91. [3] P. 250.

to exclude everything save the ground the ruined monastery stood upon. It will be remembered that the Abbess Hild, "comparata possessione decem familiarum in loco qui dicitur Streuneshalch ibi Monasterium construxit." Taking the usual estimate of about 30 to 33 acres[1] to a *familia* or hide, we have between three and four carucates to allow for, as a part of the original "appurtenances" of the Anglo-Saxon monastery, and it is surely not too much to assume that at least a portion of this—and a half of it would very nearly make up the two carucates specified as the amount of the original gift—would be given with the site of the ruins, still leaving a balance of nearly two carucates to be subsequently granted—on whatever grounds or for whatever reason—to the person who either was at the time of the grant Abbot of York, or subsequently became so.

Doubtful as the narrative attributed to this person essentially is, as to both its truthfulness and its authenticity, there can be no reasonable doubt that Stephen of Whitby was the man designated by the Domesday title "Abbas de Ebor'," and that he actually held the vills of Prestebi and Sourebi in the manner noted in Domesday must be regarded as a fact; and a remarkable fact it is as co-ordinated with more than one of the statements involved in his alleged narrative. For, not to dwell upon the various allegations concerning William de Perci's open, active and inveterate hostility,[2] persevered in with the unconcealed object of driving the fraternity from Whitby, we find the alleged Stephen declaring that the place was publicly and unjustly wrested from them, "jam publice et

[1] See Kemble's *Anglo-Saxons*, vol. i. pp. 91, 92, 104, 109.

[2] "Nam quidam ex baronibus regiis, nomine Willelmus de Percy, qui locum ipsum donaverat, videns locum nostrum, nuper desertum, in multis meliorari, multa adversa, tam per se quam per suos, nobis ingerebat ac, boni pœnitens, si quo modo nos ab eo effugare possit arte qua poterat laborabat." . . . "At vero sæpedictus Willelmus, sicut antea consueverat, et postea quoque, molestus nobis et adversus existebat, atque, ut dictum est, de prædio suo, in quo adhuc conventiculum nostrum degebat, modis omnibus expellere laborabat." And again, after the alleged journey to Normandy to seek the King's protection (said to have been successful, moreover), he yet alleges, "Exarsit quippe ex eo tempore multo vehementius adversum nos animus et ira Willelmi, et quoad usque penitus nos de Wittebeya effugasset, pacem diuturnam vel quietam habere non permisit."

injuste ablata nobis Wittebeya," and that consequently, "inevitabile totiens memorati Willelmi violentia coacti," and under the direct orders of the King, moreover, they migrated to Lastingham.

But before proceeding to deduce any inference from this—from whatever point of view regarded—somewhat startling inconsistency between this part of the alleged Stephen narrative and the Domesday returns, it may be well to try and ascertain whether disparity of date may be suggested as affording a possible explanation, whether more or less satisfactory or reasonable, of the said inconsistency.

The alleged Stephen states that in 1078, the twelfth year of the Conqueror's reign, he assumed the monkish habit at Whitby; that a few days after, as already noticed, he was compelled by the urgent solicitations of Reinfrid and his fraternity to assume also the Priorate, and that ultimately (demum) he was made to be, through the combined pressure of the King and both Archbishops, Abbot instead of Prior of Whitby; that time having been allowed for the working of visible improvement in the place assigned to them, William de Percy became their enemy, and that pirates and robbers attacked them; whence originated an appeal to the King for succour, the result of which was that Lastingham was given them, and they began to build there; that then, they themselves abiding still at Whitby, on the arrival of a suitable opportunity for receiving the imposition of pontifical hands and the benediction as Abbot, he resolved to go to Lastingham and be consecrated Abbot of that place also, and that at length, with the full approbation of the Archbishop, this scheme was duly accomplished. It would seem that, allowing for the necessarily gradual progress of improvement such as that adverted to; for the full commencement of other work elsewhere after the wrecking of the aforesaid improvement; allowing also for his appeal to the King, and the working out of his new plans, and obtaining the consent and approval of the Archbishop and others consulted; and finally, for the consecration and benediction,—we can hardly suppose so short a period as three or four years would suffice. It seems nearly imperative on us to ask a longer space. However, four years

would bring us to 1082, in which year William came to England from Normandy to arrest the Bishop of Baieux, returning thither again not long after. I note this because the next important feature in the tale, as told by the alleged Stephen, is that William de Perci, after this double consecration of Stephen as Abbot, became more virulently and actively hostile than ever to these unhappy religious, and strove by all possible means to expel the community from Whitby; on which account the Abbot had repeated recourse—"frequenter adire compulsus est"—to the justiciars, dinned his troubles into the ears of many, asking of them help against his oppressors, actually crossed over to Normandy in order to have an audience of the King, and finally, confronting William de Perci there, besought the royal succour against him. And so, at last, having accomplished his purpose—"accepto pacis chirographo"—he returns home. But the peace was of short duration. William de Perci showed himself more fiercely hostile and bent upon their ruin than ever; and, in the issue, succeeded in openly effecting their expulsion.

But surely all this must carry us on a year or two further in the passage of time; and thus, on our very modest assumptions as to the space of time required, we come to an epoch which can certainly with no reason be supposed to antedate the Domesday inquiry by much more than a couple of years, within which period the appointment and consecration as Abbot of York must necessarily be made, and moreover the grant and concession, and by the very baron represented as so implacably hostile, of the lands of Prestebi and Sourebi, he formally made to the object of his hitherto persistent and bitter persecution.[1]

[1] The suspicion has certainly crossed my mind that there might be a possible connection between the Domesday statement and the mention in Stephen's narrative of his appeals to the justiciars and others. But independently of the fact that the whole narrative appears to me to be open to so much and so grave suspicion, I cannot see any good ground for entertaining any such idea. In other words, I have no doubt that the Domesday entry records a *bona fide* tenancy, and that it is, if understood to apply to the grant of lands by William de Perci, entirely destructive of any faith in the veracity of that part of the alleged Stephen's narrative which speaks of the church-lands at Whitby as being publicly and unjustly torn from the community of religious so recently revived.

Thus the inconsistency between the statements of the alleged Stephen narrative and that of Domesday is seen to be only the more glaringly and hopelessly manifested, and it becomes more than ever apparent how little of weight or credit such a story can carry with it. And this is the more unfortunate because it is entirely evident that a connection of some kind did exist or had existed between the early monastic settlers at Whitby, or some of them, and that other monastic community which eventually became the Abbot and Convent of St. Mary's at York.

For it is not only this perplexing entry in Domesday that indicates such a connection; there is the distinct statement by Symeon of Durham that the monks of Whitby, after Reinfrid's death, migrated to York, and there set up—"construxerunt"—a monastery to the honour of the Virgin Mary, which monastery, at the date of the said Symeon's *History*, was strenuously administered by the Abbot Stephen. We have seen, as it would seem, insuperable objections to the assertion that Stephen superseded Reinfrid in the rule of the nascent Whitby Community of Religious, as made in the narrative we have had under examination. There is, however, no apparent reason for supposing that he did not join the said community as it is stated he did; and it is certain that in one way, if not in a second—and the probability is both in the one way and in the other—he was a man of mark. I mean that he had become so far distinguished as a monk, that his capacity and fitness to become a ruler of monks, or of a monastic establishment, was clearly manifested, whether or no—and clearly, I see no reason to doubt that—he was originally a man of worldly position and influence. Whether we admit the account of his early intimacy with Rufus, or that of his ability to obtain access to the Conqueror's ear with his complaints and petitions, or not, still so much might be safely conceded. And granted his monastic profession at Whitby, his there acquired and displayed fitness for administering monastic discipline, and his more than possible possession of mundane interest, it is possible, I think, to frame a supposition or suggestion, founded on Symeon's distinct allegation concerning the migration to York on the death of Reinfrid, which may really wear some amount of

verisimilitude. For naturally, on our threefold assumption, the idea of accession to the Priorate on Reinfrid's death would suggest itself, most probably to Stephen himself, or if not to Stephen himself, yet certainly to such of the fraternity as were more particularly attached to him.[1] And, at least as naturally, there being such a person as Serlo de Percy, a brother of the actual refounder of the reviving House of Whitby, able and willing to become Prior in Reinfrid's place, the appointment would surely fall upon him. There would in this be a prolific source of dissatisfaction and discontent to Stephen and his party; and such dissatisfaction might naturally, perhaps of necessity, lead in such unsettled times to the secession of such party in a body, and its withdrawal towards and ultimate settlement at York.[2]

Assuming that there was such a secession as this, headed

[1] In point of fact this is the idea which, in some one or other of Stephen's personal admirers or adherents, led to the framing of the legend of the supersession of Reinfrid by Stephen at the very commencement of the monastic career of the latter.

[2] It is necessary to speak with some degree of reserve, inasmuch as while the alleged Stephen narrative states that Stephen and his monks removed from Whitby to Lastingham,—"ibi saltem manere cupientes,"—and were thence, within no long time, translated to York, there to lay, at the church of St. Olave, the essential foundation of what afterwards became the great Abbey of St. Mary of York, Domesday lends some sort of importance, if not confirmation, to the statement in question; for we find that in the vicinity of Lastingham the Abbot of York held, and under precisely the same conditions as under William de Perci at Whitby, several "maneria," with their appurtenances, under Berengarius de Todeni; but at Lastingham itself, only 1 villan with 1 plough. The full entries touching the Abbot's fee in this locality held of Berenger are as follows:—

"TERRA BERENGARII DE TODENI.

"IN NORT TREDING. In CHIRCHEBI habuit Torbrant ii carucatas terræ et vi bovatas ad geldum (t'ra ii car.). Nunc habet Berenger de Todeni et Abbas Ebor' de eo. In d'nio iii carucatas et xiii villanos, et dimidiam ecclesiam cum presbitero, et i molendinum, v solidos et iiii denarios reddens; et xii acras prati. T. R. E. valebat iii sol., modo xx solidos.

"In alia CHIRCHEBI habuit Gamel i manerium de iiii carucatis (t'ra ii car.) et ii bovatis ad geldum. Nunc habet Abbas de Berengario. et wastum est. T. R. E. val. viii solidos, etc.

"In LESTINGEHAM habuit Gamel i man'ium cum i carucata t'ræ (t'ra i car.) ad geldum. Nunc de Berengº habet Abbas ibi i villanum cum i caruca.

"In SPANTUN habuit Gamel i man. cum vi carucatis (t'ra vi car.) t'ræ et

by Stephen, and on the suggested motives, himself being moreover a man possessed of temporal weight and influence, a possible and much more than merely plausible explanation is suggested not only as to the actual foundation of the alleged variance, or rather hostility, between William de Perci and Stephen, but also as to the subinfeudation of the latter to the former at Prestebi and Sourebi. It is clear that Stephen possessed influence enough to obtain a grant from the King *in capite* of two carucates at Lestingham and two more at Apeltun. It may be, perhaps is probable, that these grants were obtained *in transitu,* so to speak, between Whitby and York, and that on his translation to York as Abbot of the infant House of St. Mary, they were continued and confirmed to him in that character; and also that William de Perci, contemporaneously with his acquisition of the said grants, may have seen good reason to constitute him his own feudatory at Whitby, to the extent and in the way indicated by the Domesday returns.[1]

dimidiam, ad geldum. Nunc habet Abbas de Berengario. In d'nio ii carucatas et ix villanos cum ii carucis. Silva pastilis, etc.

"In Dalbi habuit i man. cum iii carucatis t'ræ (t'ra iii car.) ad geldum. Nunc habet Abbas de Berengario. In dominio i carucatum et ix villanos cum ii carucis, et i molendinum ii solidorum, et xii acras prati. Silva pastilis, etc.

"Ad hoc manerium pertinet i carucata terræ in Fornetorp."

The Lestingeham entry is noteworthy. There can be no doubt that the construction I have put upon it is the correct one, for there is one precisely similar on the following page, viz.:—"In Westone (Westreding) habuit Torbrand v car. t'ræ ad geldum. Nunc habet Berengarius ibi iiii villanos cum i caruca, etc." But it is to be remarked that in the Recapitulation, on p. lxxxiv^b, the entry touching Lastingham is, "In Lestingham ii car. (Abbas); ibid. i car. (Ber. de Todeni)"—an entry which does not occur in the previous enumeration of the various manors, etc., comprised in the several fees. The same is true of the almost adjoining entry of "Apeltun ii car. (Abbas)," not to mention other instances of lands which were indisputably church lands. The entry on this same page touching Chirchebi is, "In Cherchebi et alia Cherchebi vii car. B. Todeni, et Abbas de eo;" the other maneria named in the extracts above given being named merely as in the fee of de Todeni, his sub-feudatory the Abbot not being named at all.

[1] It is abundantly certain that there was some hesitation or uncertainty as to the actual fee of the Abbot of St. Mary's at the Domesday date. Of what nature this hesitation or uncertainty was, or how it came to exist, can

Moreover, there is a further supposition which may be entertained, and in this place, perhaps, without any incongruity, of such a nature as to connect itself with this last, and not with any tendency to invalidate it. I mean that amid all the evident inconsistency with facts and with reason observed in the alleged Stephen narrative, and in that supplied from Dodsworth, there is one matter in which both agree, as to its essential nature at all events, if not in its minor accessories of time and person.[1] I refer to the alleged plundering attacks of pirates from the sea and robbers from the more immediate vicinity which, in the one account, induced the primary retreat to Lestingeham, and in the other led to the retirement to

only be surmised. The fact, however, remains that when the list of fees in Yorkshire, prefixed to the full specification of the various manors held by the king and his several tenants *in capite*, was drawn up, the fourth in the list, the first three being "i. Terra Regis. ii. Archiepiscopi Eboracensis et canonicorum ac hominum ejus. iii. Ep'i Dunelm. et hominum ejus." "iiii. Abbatis de Eboraco," and next to it "v. Hugonis comitis." In the full specification or description of the manors involved after "i. Terra Regis," and before "ii. terra Archiep'i Eboracensis," are four entries under the rubricated heading, not numbered, of "Terra Archiep'i Eborac'." After this comes "iii. Terra Ep'i Dunelmensis," and then "iiii. Terra Hugonis comitis" instead of "v. Terra Hugonis comitis" as in the prefatory list or index. It is to be presumed that the list was made before the specification was completed, and suffered to remain unaltered by an oversight; but even so it conclusively shows that the fee of the Abbot of York was in some sense an entity even then, though not an entity *ex post facto* as all the other twenty-eight fees named in the list were—that is, as being already enjoyed by the several grantees named. In all probability the entity of the Abbot's fee was dependent on the circumstance that it was in process of formation, but not as yet fully formed, and that a variety of adjustments, re-leases, re-grants, exchanges, or grants in augmentation having to be made before a final arrangement could be come to, it was found impossible, within the limited time allowed by the urgent demands of the king for the completed returns, to give the necessary details, etc., the Abbot's fee was finally omitted as a several or special fee. As to the adjustments, re-leases, re-grants, etc., just named, some explanatory matter will be found in the text at a subsequent page.

[1] The alleged Stephen speaks of one retreat consequent on the attacks of pirates and robbers, and that in his own time and to Lestingham. The Dodsworth authority speaks of two periods of such attacks, one in the time of Prior Reinfrid, the other in that of Serlo, which latter witnessed the retreat to Hackness.

Hackenas.[1] This measure of consentaneity between the two authorities, independently of the intrinsic probability that such raids of robbers by land and robbers by sea would surely be made, renders it as nearly certain as possible that, subsequently to some such act of robbery and devastation, the community did take a temporary refuge, and of course at Hackness, the seat of the ancient cell of the Whitby Monastery. And it surely is not impossible, perhaps not even altogether unlikely, that, in their absence, such a sub-grant as that specified in the Domesday notice, and not in the least necessarily interfering with the *bona fide* and still valid original grant of the ancient abbey church, with its site and appurtenances,[2] may have actually been conceded, on such considerations as those stated a little above, or on others together with them, to the man who was, it may be, already Abbot-designate of York.

Up to the time of the Conqueror's decease, and taking our information from the Memorial, from Earl Hugh's charter, from

[1] I would draw attention here to the discrepancy between the statement in the narrative last referred to and the real facts of the case touching the church of the cell or "monasterium" of Hackness:—"Qua de causa," says this writer, "Serlo Prior et Monachi de Whitby ostenderunt Willelmo de Percy calamitatem suam at miseriam, et petierunt illum ut daret eis locum manendi apud Hackenas. Dedit eis ecclesiam Sanctæ Mariæ de Hackenas ut ibi construerent monasterium, quia in eadem villa S. Hilda Abbatissa monasterium construxerat." Not only, however, does the memorialist expressly state that Prior Reinfrid's body was buried at Hackenas—"in cimiterio S. Petri in medio parietis contra altare," and specify "ecclesiam S. Petri ubi monachi nostri Deo servierunt, obierunt et sepulti sunt," but the Conqueror's confirmation secures to the said monks ecclesiam S. Petri de Hakenessa cotemporaneously with the gift of the two carucates of Royal demesne there, and the two additional carucates at Northfeld.

[2] That the site and precincts of the ancient abbey once given to Reinfrid were ever alienated from any of his successors, or that such an attempt was made, it seems impossible to believe. The original grant may have included, and most likely did include, besides the said site, precincts and buildings or ruins thereupon, a certain amount of territory—*adjacens* is not an infrequent word in deeds of gift used in description of the land which appertained to the church, or what not, given—and this adjoining territory would be distinctly church land, and would remain such as effectually as the site, precincts, etc. The grant to the Abbot of York might still be easily furnished forth out of lands in Soureby which were not church lands.

King William's confirmations, the possessions of the renascent monastery, so far as we have any certainty, may be thus stated: —The ancient monastery with its site, ruined oratories, the church of St. Peter, and two carucates of land in Prestebi, together with all things which appertained to the said church of St. Peter; the church of Midelsburg, with all its tithes, "Francigenis et Anglicis;" the church of St. Peter at Hackness, certain carucates of land in the same vill, the number not quite certain, of William de Perci's fee, two other carucates, in the same place, of the Royal demesnes, together with other carucates in Nordfeld, and two more in Burniston springing from the same source, with all their various appurtenances, besides the rights of sac and soke, and immunity from Danegeld; certain forests and forest rights within their own peculiar limits; the port of Whitby with its various rights; and also, besides all the various ecclesiastical liberties and immunities like to those possessed by the three great religious foundations of Beverley, Ripon and St. Peter's at York, the fullest rights, liberties, free customs and immunities which the Royal power could bestow in other matters.

Moreover, the mention made in William's charter touching the lands, forests and woodland beasts ("silvestribus bestiis") "intra terminos suos," and of the "aquæ eorum in Portu de Wyteby," lends some tangible significance to the statement made by the Memorialist, that William de Perci, when the number of the monks continued to increase at Whitby, and his brother Serlo had been made a monk there ("ibi monachus fuisset effectus"), gave them "villas, terras, ecclesias et decimas in perp. elemosinam." The fact is so likely in itself, that, uncertain as we are what were the then limits of the lands and other possessions of the monastery, it is quite impossible to treat the statement in question as a mere rhetorical effusion on the part of the writer.

Examination of the statement touching William de Percy's desire and attempts to deprive Serlo of the Whitby grants.

III. And now we come to "statement, as it stands and is meant to imply, about the wish of William de Percy to take away all the lands and vills which he had previously given to Whitby, from his brother Serlo," and about the trustworthiness and accuracy of which strong doubts were expressed at a former page.

That Reinfrid died Prior I think there can be no reasonable doubt whatever; that Serlo de Percy joined the Whitby community as a monk during Reinfrid's rule (the donation just named being then made), seems to me equally little a matter of doubt; and that on Reinfrid's death Serlo de Percy succeeded to the Priorate can scarcely be questioned. Nor can any great space of time be allowed for the effecting of the said successions, as Serlo's name appears in both confirmations by the Conqueror. But this fact testifies not only in some measure as to the date at which Serlo must have become Prior, it speaks also in intelligible terms as to the weight and influence already attaching to the Monastery and its acknowledged head, independently of that belonging to the Founder, which no doubt would also be employed in procuring such confirmations and grants. Nor is it only thus that we are enabled to recognise the growing importance of the Whitby Foundation and its Superior, for we have other pregnant proofs of the same in important donations made to the Monastery, and Serlo as its Prior, by men of consideration and importance. Such specially was the gift by Uchtred de Alverstain, filius Gospatric (No. 108), of two carucates of land in Chaitun (Cayton), one of the witnesses to whose charter is Serlo himself;[1] and, to specify but one other instance, that of Aaliza de Percy (niece of the Founder and of Serlo) and her first husband, Hugo de Boitorp.

Now, reference has been made at a former page to the distinct statement of the Memorialist, that Serlo de Percy continued in the office of Prior until William de Percy, nephew of the Founder, was created Abbot, and to the possibility that this transaction —regarded in the light of supersession of the uncle in favour of the nephew—might perhaps afford some measure of explanation as to the alleged variance between William de Percy the Founder and his brother, Prior Serlo.

[1] Another witness is a man whose name is perhaps the most remarkable in the entire Chartulary, as retaining its Scandinavian form unaltered, viz., Arne Grimssune. The charter is also remarkable as establishing a concession on the part of the monks themselves, thus explaining the occurrence of the Prior's name at the head of the other witnesses—"concesserunt vero mihi jam dicti monachi ut sim frater prædicti cœnobii," fully and entirely, and that the grantor shall be received and united to the Order whenever he may come, and with whatever amount of property, "parva seu magna," he may present himself.

That such supersession did actually take place I think there can be but little doubt. There is a charter by Nigel de Albini (No. 261), the date of which lies between 1108-1114, by which the grantor restores ("reddidit")[1] to God and the Church of All Saints in Fishergate at York, a certain half carucate of land at Thorp, with the explicit direction that Serlo the Prior and the other monks of that same place ("Serlo Prior et alii monachi ejusdem loci") should have and hold the same. And it is to be remarked that while Whitby is not so much as named, or even alluded to, in the terms employed, the Church of All Saints, which it will be remembered had been granted by Rufus for the establishment of a cell there, is both named and described with more than the usual precision :—"Deo et ecclesiæ Omnium Sanctorum . . . scilicet ecclesiæ quæ est in Fisergate apud Eboracum." There can therefore be no doubt at all as to the position Prior Serlo held at the time of this grant. The phrase "et alii monachi ejusdem loci" can be understood but in one way. Serlo had ceased to be Prior of Whitby,[2] and had become simply Prior of the Cell at the Church of All Saints in York.[3]

Now, such a change as this could have occurred but in one of two ways—either by consent of Serlo, or against his will, and as the result of influence brought to bear upon him of such a nature, whether moral or compulsory, that he was unable to resist it. In the latter case, the fact of the variance,

[1] There is a charter by Nigel de Albini printed by Surtees in his *Durham*, iii. p. 395, which is evidently dictated under very considerable pressure, whether merely that of his own conscience or otherwise applied, the burden of which is restitution of lands alienated from different Religious Houses, or restoration of lands, etc., to some or other among his *homines* who had been, it is to be inferred, unjustly deprived, and among the former we find what is no doubt the half carucate mentioned in the text. The charter is curious, as exhibiting the working of the "pressure" above indicated. (See notes to No. 261.)

[2] Some observations as to the probable date of the conversion of the Priory into an Abbatial House will be found at a future page.

[3] In close connection with this conclusion it is not out of place to remark that at a subsequent period in the history of the Abbey, in fact not fifty years later, a precisely similar retirement took place. When Abbot Benedict resigned in 1148, we are told that the said Benedict, with the unanimous consent of the chapter of monks, took up his permanent abode at All Saints' Cell—"permansit in ecclesia Omn. Sanctorum in Fishergate apud Eboracum" (No. 3).

its nature and its probable acerbity—which would certainly not be diminished by the recollection that he and his Monastery had become so far important and influential—must all be admitted; in the former, when we take into consideration the strangely loose and inaccurate way—not to say the reckless and mythical, or the intentionally incorrect and mendacious way—in which the writers of such narratives as that of the alleged Stephen and of the Dodsworth memoranda, and even some of the later monastic scribes,[1] put their so-called history together, there is no difficulty in accounting for such tales as those which convey to us all the information we possess as to variance between Serlo and his brother, and particularly as to the desire and attempt of the latter to take back all his former gifts to the Monastery. On the whole, I entertain little doubt that William de Perci did, for some reason or other, press, or perhaps force, upon his brother the resignation of the headship of the Whitby Monastery; and that the pressure so applied was applied at the time he had made, and been enabled to

[1] I refer especially to the "Memorandum" (No. 376) printed below (p. 312), which occurs on f. 129 of the Strickland MS., and which would be very valuable in elucidating our present part of the early history of the Abbey if we could depend on its statements. But when we find such allegations deliberately put forward, and in the very teeth of charter after charter and one Royal confirmation after another, that Alan, son of William de Percy the founder, died without heir; that the Percy inheritance on his death descended to his brother Richard—Richard de Percy de Dunsley, of course—and to his son William after him; and that the said Richard "nichil dedit nec confirmavit," it is impossible to attach any real credit to what may be said in other parts of the same document as to matters about which certain historical knowledge must have been, at all events, much more difficult to arrive at, and indeed not to be arrived at at all except by diligent study and comparison of the very documents this scribe either never knew of as existing, or never consulted if he was acquainted with them, or deliberately put on one side as not worth the trouble of examination. Still, notwithstanding this, for my own part I fully believe that this writer is mainly correct in the statements he makes as to the extent and the boundaries of the lands which he says were given by William de Percy to God, St. Peter and St. Hilda of Whitby, and to his brother Serlo; and I have sought as far as I could to make the view in question good by independent reasoning. But, on the grounds above stated, I have not chosen to appeal for support to the direct statements in point which this writer makes, when his trustworthiness is assailed by such reckless misstatements as those exposed in this note.

carry out, his plans for the erection of an Abbacy in place of the hitherto existing Priorate.

As to the time when this change was finally carried out, although there are no precise dates available to us, still I think there are facts and considerations such that a safe inference may be founded upon them; and also perhaps a further inference as to a part, at least, of the considerations by which the Royal consent to such a change was induced.

In a note on a previous page it was observed that it seemed much more than simply apparent that there were at least two periods at which donations to the rising Abbey were made by the Founder,—the first on or about the date of Reinfrid's arrival and commenced work at Whitby, which may without violence be held to include the much more than only possible augmentations conceded on occasion of his brother's admission into the number of the monks; the second, that which is marked by the still extant charter in which his wife, his heir, and two other sons are named as "concessores" together with himself, as well as acting as witnesses to his grant. That this charter was granted after the commencement of the reign of the second William, is patent from the fact that he is named in it as reigning at the time; but at what particular period in that reign there is nothing in the charter itself positively to indicate. Nevertheless, it would almost seem possible to infer the probable date, at least approximately, from some considerations suggested partly by historical fact, and partly by the wording of the charter. The Founder, it is known—at least the statement to that effect is not disputed—took part in the Crusade of 1096; and, according to the Memorialist, died on the march to Jerusalem at a place called "Mons Gaudium," within what he calls "the province of Jerusalem." This would be, of course, after the rendezvous at Constantinople in 1097, but how long after there is no means of knowing, nor is it material. What there is that it is to our purpose to remark is, that William de Perci's last and enlarged grant must have been made before he set out to join the crusading host, and most likely before he began to make his final preparations for so formidable an expedition. Indeed, no more plausible suggestion can well be made than that the resolution to take part in the crusade, and the resolution to erect an Abbey at Whitby in

place of a Priory, and endow it with accordant liberality, may have been, probably were, cotemporaneous, or, at all events, due to the same religious impulse. And there are certainly features in the charter which seem to bespeak the presence of more than usual earnestness and solemnity in the grantor's mind and intention. The Archbishop himself, besides the Founder's wife, his heir, also two more of his sons (Walter, the second, and William, the canon), his near kinsman, Ernald the founder of the Kildale family, Gilbert fitz Adelard (witness to the Earl of Chester's charter), are all present, and all—at least all the members of the family named, and especially the Primate in his ecclesiastical capacity—formally joining with himself in the grant, concession, and confirmation of the lordly gift:—"Huic dono affuerunt testes et concessores Thomas Archiepiscopus Ebor', Emma de Port uxor mea, Alanus, Walterus, Willelmus, filii mei," etc. Surely no occasion can be imagined more suited to call forth such unusual manifestation, on the part of a great benefactor, of an earnest solicitude that his grants should have every possible sanction, and especially on the part of those most nearly concerned in the lands and possessions proposed to be, and now actually and formally, alienated, than one on which the said benefactor stood on the verge of an enterprise in which, advanced in years as he already was, he was about to expose himself to all the perils of travel and hardship, sickness and warfare, and from which, humanly speaking, the chances of his return in safety could scarcely, in any sense, be considered hopeful.[1]

But there is still another point in the charter to which attention should be given—I mean the terms in which the object for which the old grants are confirmed, and so largely augmented by new—namely, "ad fundandam Abbatiam olim destructam"—for the refounding of the Abbacy long ago destroyed. The fact being that, unquestionably within the four years next succeeding our supposed date, the Priory was exchanged for

[1] Of course there is an opening for the suggestion that the impulse under which William de Perci was acting, alike in assuming the Cross and endowing the Abbacy with augmented gifts, may have been cognate with that already adverted to in the note to p. lxxviii, in speaking of Nigel de Albini's restoration of the half carucate of land at Thorp to the All Saints Cell at York. In other words, religious compunction, in whatever way excited, may be supposed as the actuating influence in William de Perci's heart.

an Abbacy, the language here employed appears to be significant;[1] and the circumstance that the grant is made to Prior Serlo, and the monks serving God at Whitby, makes it in so far more probable that the measures which were already taken, or were to be taken in the close sequel, for raising the House to a higher dignity, were designed and carried out with the existing Prior's full concurrence. Probably, too, the appointment of the first Abbot would follow at no very remote date after the execution of the charter and the formal completion of its purpose.

At least this much is certain, that William de Percy had been created Abbot antecedently to the year 1100,[2] and among the charters printed in the text is one by Henry I. (No. 190) addressed to Archbishop Thomas of York, Osbert the Sheriff, Nigel de Albini, and Aschetil de Bulmer, which contains the following remarkable clause:—"Sciatis quod Willelmus, Abbas de Wyteby, et monachi illius loci dederunt michi in forestis suis omnes cervos et cervas et porcos, et ego illos forestavi michi et hæredibus meis." That this gift or concession had been made in the guise of a *quid pro quo* I suppose must be regarded as an absolute certainty. It is of course possible that it was in return for it that the King grants the full confirmation which the remaining part of the charter conveys. But with the great accumulation of benefactions which had recently flowed in upon the Whitby House from the various branches of the Perci family and their connections (not to mention other benefactors), it is hardly reasonable to suppose that there could have been any difficulty about the customary money acknowledgment for such a concession on the part of the reigning King; and besides, the disproportion between the concession made by the Abbot and monks to the King, and the King's concession to them, is far too great to

[1] Apart from the fact that the Priory was converted into an Abbey, I think no great amount of stress could be laid on the language in question; for, to cite but one instance, in the charter of Rufus the grant of the All Saints Church at York is made in these terms:—"Dedi etiam eidem Ecclesiæ de Witebi et Serloni Priori et monachis ibid. Deo serv., in elem. perp., eccl. O'ium S'torum de Fischergate de Ebor. ad abbatiam constituendam," etc., where the meaning of "abbatiam" can scarcely be anything but "cell." The only other meaning possible would be that the grant was a grant in aid of the proposed erection of an Abbey at Whitby to replace the Priory.

[2] See p. lx. and note.

make the suggested hypothesis even moderately plausible. But it would seem to be otherwise with the supposition that possibly this sacrifice of rights, so highly prized as were the forest-rights which were surrendered to Henry, may have been made conditionally on the erection of an Abbacy in place of what before had been only a Priory. It will be remarked too that Henry's charter is an *ex post facto* one—"et ego illos forestavi michi et hæredibus meis." Not only has the concession been made by the monks, but the King has already acted upon it, by taking all the formal proceedings necessary towards constituting the forests in question a part of the Royal forests—proceedings which were not reversed, it may be observed, until the reign of John, when the reversal was effected by another special charter (No. 191).

Whether the suggestion thus made involves or implies the explanation of the remarkable surrender by the Convent of all its extensive and important forest-rights to the King or not, must be a matter left to the consideration and judgment of such as read these remarks and look upon them as worth entertaining; but there is yet another matter for notice, not entirely unconnected, and already glanced at,[1] which may as well be mooted here. I mean that in the existing documents we have many tokens of rearrangement of fees or of portions of fees, some dependent on a change in the tenant *in capite*, others on possible exchange or sale, or, it may be, even on an entirely new grant.

Thus it is quite evident that, at the date of the charter by William de Perci, to which not only his wife, Emma de Port, but specially his son and heir, Alan de Perci, is a party, William de Perci himself, as is the case with his son Alan quite early in Henry's reign, has become tenant *in capite*, although we have no hint as to the time or the manner in which he had become so, or as to any consideration or compensation made to Earl Hugh on that account. But independently of this, which could only have been brought about by the direct consent and co-operation of the King, we find in the same charter evidences of further change, involving similar royal action of even a more direct kind still. In the extract from Domesday given above we have a notice of the manor of

[1] See note to p. lxxiv.

Walesgrif, with the Berewic of Nordfeld, as a part of the Terra Regis, and, appertaining thereto, soke of Tornelai; Sudfeld and Everlaye being mentioned as in William de Perci's fee at Hackness, either as parts or appurtenances. But the charter under note, after detailing the grants and donations made at and near Whitby, and also of Hackness and the two churches there, goes on in immediate connection to specify as follows:—"Et Norfeld et Sudfelt, Everlaye et Brokesaye et Tornelaye cum omnibus ad easdem villas pertinentibus." It is to be presumed, therefore, that in the rearrangement, as it was just now termed, of fees or portions of fees, which must have taken place after the date of Domesday, and probably in the earlier years of the second William's reign, the King had over and above, or independently of, his own royal gift of two carucates in Hackness, four carucates in Nordfeld, and two in Burniston, made over to William de Percy, to be for the future appurtenant to his manor of Hackness, all rights whatever involved in the soke of these geographical portions of that place; and I think there can be but little doubt that such surrender was made with the distinct object of enabling William de Percy formally to make good the Abbey's title to the whole district embraced within the limits of what is now called the Parish of Hackness.[1]

It is scarcely necessary to follow this inquiry much further. From the time Alan de Percy begins to grant charters on his own sole account, and Royal charter succeeds Royal charter, the early history of the restored Abbey, though the materials are meagre, becomes fairly free from the doubts and uncertainties consequent on such inconsistencies and contradictions as these we have had to deal with. Grants, donations and concessions flowed in rapidly and from many different sources during the reign of Henry I., and I think especially during the early part of it, and possibly the later years of William the Second's; and copies of many of the charters conveying such grants and concessions are yet extant, attempts at illustration of which in respect of probable approximate date, noteworthy particulars in the biography of the grantors, features of interest or curio-

[1] It should be observed that Burniston, or the carucates granted by the Conqueror in that township, is not once named in the Priory grants or confirmations.

sity involved in them, and the like, have been made in the notes, in the sequence in which they are inserted.

On the whole, I read the history of the renascent Monastery somewhat in this way. At or near the date alleged—some definite but not very long time before 1078—Reinfrid came to Whitby, and before long succeeded in collecting a body of would-be Religious, having already, it may be, ascertained the willingness, or more than willingness, of William de Percy to sanction his undertaking and to further his objects by leave and licence to occupy the site of the ancient Monastery, if not by a formal concession of the said site, its remains and appurtenances. But the concession, if it was not made at first, speedily ensued, and a settlement, having at least more or less of regular monastic form and order, was effected before the year 1080. Reinfrid continued to act as superior of this monastic settlement under the title of Prior for, at all events, some few years; and under his Priorate certain accessions were made to the lands and church already assigned to them, notably the church or chapel of Middlesbrough and its tithes, the latter payable out of a considerable district, and especially the Church of St. Peter at Hackness, or, in other words, that attached to the old monastic cell, which in old days had been a dependency or appurtenance of the Whitby Monastery, and together with this, two or more carucates of land in the same vill. During the incumbency of Reinfrid, there is little or no doubt that Stephen, the future Abbot of St. Mary's at York, joined the community or brotherhood, and being a man of some importance and considerable capacity, conceived himself, and was conceived also by a not insignificant party among the brethren, a suitable successor to Reinfrid when the career of the latter was cut short by his accidental death at Ormesbridge. The Percy family, however, preferred that one of themselves should be promoted to the vacant post, and probably in irritation or resentment at this—possibly even under the impulses of ambition—Stephen seceded from Whitby, and, making a temporary halt at Lestingham, eventually, and indeed only a short time afterwards, became Abbot of York, and perhaps as a sort of peace-offering had a grant, as such, of certain territory at Whitby, which, however, was such as not to interfere with the church lands already granted in free alms to Whitby, Serlo de Percy having become

Prior in the room of Reinfrid. Further concessions of property were obtained for the Convent, just as some additions had been made when he took upon himself the monkish profession, and the renascent Monastery and its head became invested—notwithstanding certain temporary checks sustained, at probably an early period of Serlo's presidency, under the attacks of one or more bodies of marauders, which compelled a temporary retreat to the Hackness Cell—with considerable influence and prestige. And it was when this was so that William de Perci the Founder, animated by the same religious fervour which sent him forth as a crusader to meet his fate in the Holy Land, conceived the idea, in its practical form, of elevating what had been hitherto merely a somewhat unimportant Priory into a well-endowed and influential Abbey; and his own grants and donations being largely supplemented by others from various members of his family, and from a number of his "homines" or sub-infeudatories, the proposed change was effected, and William de Percy, nephew of the Founder and of Prior Serlo, was advanced to be the first Abbot. It is quite possible that this was brought about rather by the forcible supersession than in virtue of the voluntary resignation of Prior Serlo, who, it is certain, retired to the Cell at All Saints, York, and continued to be Prior there for several years after the constitution of the Abbey at Whitby. But whether he ceased to be Prior by supersession or by resignation, a foundation might easily be found in the fact of his ceasing to be Prior just when his nephew was advanced to be Abbot for the stories compiled by writers, living probably some generations afterwards, about the variance between the brothers William and Serlo, and the persecution the latter was supposed to have undergone at the hands of his powerful, and, as alleged, unscrupulous brother,—a man whose last recorded action is, notwithstanding, a munificent deed of gift to the self-same persecuted Prior and his monks.

As to the following list of the Superiors of the House of Whitby, it should be observed that the dates of appointment in the first column are those given by Burton,[1] and that it is by no means clear in several cases whether they are the dates of election, induction, or installation; and that the dates of

[1] *Mon. Ebor.* p. 80.

vacation in the last column are those given by Young,[1] it being a matter of great uncertainty whether they are in any respect really independent of those given in the Monasticon. The intermediate column of dates of occurrence are principally from one or other of the two chartularies themselves, a few only being from public documents.

Priors.			
Reinfrid, ...	c. 1078		
Serlo, ...	a. 1087		
Abbots.		*Occurring in*	
William de Percy, . . .		1109 (No. 382).	
Nicholas, ...		a. 1129 ; c. 1132.	
Benedict, ...		c. 1139 ; 1148 (No. 458). .	r. 1148
Richard I. (de Burgh),			o. 1175
" II. (de Waterville, .	1175	1174.	
Peter I.* ( ), . . .		a. 1190 ; 1192 ; 1200 ; 1203 (No. 535) ; 1204, . .	o. 1211
John I. (de Evesham), . .	omitted	1214, ...	o. 1222
Roger (de Scardeburgh), .	1223	1222 ; 1227 (No. 158) ; 1230 (No. 273), . . .	o. 1244
John II. (de Steyngrave), .	1245	1246 ; 1250 (No. 462) ; 1254 (No. 532), . . .	o. 1258
William II. (de Briniston), .	1258	1260 (No. 516) ; 1264 (No. 539),	o. 1265
Robert (de Langtoft), . .	1265	1270 (Nos. 22, 367), . .	o. 1278
William III. (de Kirkham), .	1278	1283 (No. 445) ; 1286 (No. 509),	o. 1304
Thomas I. (de Malton), .	1304	1313 (No. 9) ; 1318 (No. 11) ; 1322 (No. 522), . .	r. 1322
Thomas II. (de Haukesgarth),	Sept. 21, 1322	1327 (No. 564) ; 1350 (Nos. 400 and 564) ; 1351 (No. 545) ; 1355 (No. 474), .	r. 1355†
William IV. (de Burton),	Mar. 22, 1355	1355, ...	o. 1374
John III. (de Richmond),	June 13, 1374		o. 1393
Peter II. (de Hertilpole),	Sept. 6, 1393		o. 1394
Thomas III. (de Bolton),	Sept. 16, 1394	1395, 1397, and 1399 (No. 543) ; 1407, . . .	o. 1413
John IV. (de Skelton),	Nov. 6, 1413	1415 (No. 504), . . .	o. 1437
Hugh (Elerton),	May 10, 1437	1445 (No. 563), . . .	o. 1462
Thomas IV. (Pickering),	Mar. 14, 1462		o. 1475
William V. (Colson),	Oct. 17, 1475	1483, ...	o. 1499
John V. (Lovel),	July 23, 1499		o. 1501
William VI. (de Evesham),	Oct. 2, 1501	1502 (No. 391), . .	o. 1505
John VI. (Benestede),	Aug. 12, 1505	1508 (No. 392), . .	o. 1514
Thomas V. (Bydnell),	—	1514 (No. 393) ; 1515 (No. 394),	o. 1516
John VII. (Whitby),	Aug. 2, 1516		o. 1517
Thomas VI. (York),	Jan. 8, 1517		o. 1527
John VIII. (Topcliff or Hexham),	April 13, 1527		r. 1538
Henry (Deval),	—	surrendered	1540

[1] *Whitby*, pp. 264, 265, and notes.

* No date of appointment is, in this case, given by Burton. He merely states that Abbot Peter "occurs in 1192, and in 1200," adding further that he "also occurs in the 1st of Pope Celestine 3d's, who reigned from 1191 to 1198."

† Young's date here is manifestly wrong. His words are—"Thomas de Haukesgarth, a monk of Whitby, who, like his predecessor, resigned in his old age, in 1352." The document, No. 474, dated in 1355, at once discloses the error. From an entry in Archbishop Thoresby's Register, dated 23d March 1374 (printed in the Appendix), it appears that Thomas de Haukesgarth was still living at that date, and abiding at Selby Abbey.

PRELIMINARY NOTICE TO THE READER.

In editing the present book it was possible to proceed on one of two, or even three, different principles or plans. In the Whitby copy no order of time whatever is observed by the old transcribers, and, as noted in the Preface, order of locality or place is only partially regarded. Order of place is more carefully attended to in the Museum copy, but still by no means without noteworthy or extensive exceptions. Order of subject, again, is not too carefully regarded in either copy. Royal confirmations are by no means all brought together, neither are Archiepiscopal or Papal confirmations. Even the charters by the various members of the Percy family are scattered about in various parts of the collection. An entire rearrangement of all the charters and other documents according to date was, in the case of a series, the majority of which could only be inferentially or approximately dated, obviously so arduous an undertaking as to be practically impossible.[1] An entire rearrangement, on the principle of grouping together all the documents connected with the several different localities con-

[1] This is the principle on which Charlton has proceeded in his dealings with the contents of the Whitby copy. A very small measure of acquaintance with the subject-matter of his book is quite sufficient to disclose the eminently unsatisfactory results of his arbitrary mode of alleging the more or less specific dates of the various documents as they come under hand.

cerned, would have amounted, in its execution, to the *de facto* breaking up of both copies into a series of fragments, and reuniting them with an arbitrary tie, with the result of destroying the identity of either copy. Rearrangement on the principle of juxtaposition of documents of like character seemed open, on the same grounds, to a similar objection. The Editor, therefore, after mature deliberation, deemed it best to print the Whitby copy as it stands, following it up with the additional documents obtained from the Museum copy in due sequence, and with those obtained from other sources next in succession, numbering them all in order, and by aid of these numbers in every case referring the reader to those documents which in any way belonged to the same group. And, on the whole, it is hoped that this mode will be found on experience to have all the advantages of either of the others adverted to above, so far as feasible, without the corresponding drawbacks or disadvantages.

CARTULARIUM ABBATHIÆ DE WHITEBY.

CARTULARIUM ABBATHIÆ DE WHITEBY.

I. Memorial of Foundation and of the Earlier Benefactions.

(138[a]) Notum sit omnibus Deo et Sanctæ Hildæ Abbatissæ servientibus in loco qui olim Streoneshalc vocabatur, deinde Prestebi appellabatur, nunc vero Witebi vocatur, quod Willielmus de Perci, cognomento Asgernuns, tempore Willielmi Bastard (nothi), Regis Anglorum, ibi fundaverit monasterium in honore Sancti Petri Apostoli et Sanctæ Hildæ Abbatissæ, atque Reinfrido, monacho de Evesham, cum sociis suis quos sibi adquisiverat, ipsum locum commendaverit; et primo, duas caruchatas terræ in Prestebi illi tradidit; deinde, crescente numero monachorum, cum Serlo de Perci, frater prædicti Willielmi de Perci, ibi monachus fuisset effectus, villas, terras, ecclesias, et decimas eis in perpetuam elemosinam dedit, concedentibus et confirmantibus nobilissima Emma de Port, uxore ejus, cum Alano de Perci, filio eorum. Nam prædictus Reinfridus, cum esset miles strenuissimus in obsequio domini sui Willielmi Bastard (nothi), Regis Anglorum, cum per provinciam Northanymbrorum transiret, divertit ad præfatum locum Streoneshalc. Cum vero cognovisset quod sanctus ille locus a crudelissimis piratis Ingwar et Ubba, ducibus Alanorum et Danorum, cum præfata provincia Northanymbrorum, feroci depopulatione esset devastatus; a quibus etiam rex sanctus Edmundus decollatus est; ac deinceps per ducentos, et eo amplius annos, vacabat religio monachorum et sanctimonialium in eodem loco, compunctus est corde. Deinde apud Evesham (in provincia Merciorum) monachus factus est, et monasticis disciplinis bene instructus, divino instinctu cum Aldwino Priore de Winchecumbe, et Elwino monacho, regressus est in provinciam Northanymbrorum ad suscitandam monachicam religionem,

Monastery founded by William de Percy in the time of the Conqueror under Prior Reinfrid.

Original endowment added to when Serlo de Perci was admitted a monk.

Reinfrid turns aside to visit Streoneshalc which had been laid in ruin by Ingwar and Ubba, and is distressed in heart.

Became a monk at Evesham, and eventually returns into Northumbria, and comes to

W. de Percy, who gives him the ancient monastery and 2 car. of land in Prestebi. At that time there were almost 40 oratories, but roofless and in ruins. He begins a monastic settlement there, and soon gathers a number of votaries. After several years Reinfrid is accidentally killed.

His body is taken to Hackness and buried there in the burial-ground of S. Peter's. He is succeeded as Prior by Serlo de Perci, who continues in the office until his nephew William de Perci is made Abbot.

William de Percy, the founder, dies in the Holy Land, and is buried there.

venitque ad Willielmum de Perci, et ab eo honorifice susceptus est. Dedit autem illi strenuissimus prædictus Willielmus de Perci antiquum monasterium Sancti Petri Apostoli, cum duabis caruchatis terræ in Prestebi, in elemosinam perpetuam. Erant enim tunc temporis in eadem villa, ut antiqui patriotæ nobis retulerunt, monasteria vel oratoria pæne quadraginta; tantum parietes et altaria vacua et discooperta remanserant propter destructionem exercitus piratarum. Suscepto ergo Reinfridus monasterio, ad idem habitandum vel regendum cœpit regulariter conversari (139) cum sociis suis, in humilitate, patientia, paupertate, et caritate exemplum omnibus tribuens ad bene agendum, et ad Deo serviendum: ita ut, infra breve tempus, prudentissimos viros ad monachicum habitum suscipiendum socios sibi aggregaverit. Transactis igitur plurimis annorum curriculis, cum quoque causa monasterii sui iter ageret, venit ad Ormesbricge, ubi artifices faciebant pontem trans Derwentum; et desiliens equo ut illos adjuvaret, incaute lignum super ipsum cecidit, et confracto cerebro, mox extremum exalavit spiritum. Cujus corpusculum perductum est ad Hachanos, sepultumque in cimiterio Sancti Petri Apostoli in medio parietis orientalis contra altare. Post obitum vero Deo dilecti Reinfridi Prioris, Serlo frater Willielmi de Perci officium ejus suscepit, et in eo permansit donec dominus Willielmus, nepos eorum, Abbas de Witebi effectus est. Denique nobilissimus Willielmus de Perci Ierosolimam petens, apud locum qui vocatur Mons Gaudii, qui est in provincia Ierosolimitana, migravit ad Dominum, ibique honorifice sepultus est.[1] Itaque omnes terras, possessiones, forestas, ecclesias, decimas et libertates, quas sæpe nominatus idem Willielmus de Perci, cum Alano de Perci, filio suo, monasterio de Witebi dederat in primis, necnon in ultimis temporibus suis antequam Ierosolimam peteret, vel quique fideles monasterio nostro de Witebi dederunt vel concesserunt in elemosinam perpetuam, ad monimentum, hic breviter annotabimus:—Villam et maris Portum de

[1] "Item to Whittby, monkys of the Seynt Benedyct, of the foundacion of the first Lord W. de Perscy after the Conquest, who discesyd beyond the Sey, and ther ys body ys buryed, but his harte lyeth in Whitbye: but now ye King ther founder, and it ys xvi myles from the forest place.—Out of ye second parte of Leland's *Itinerary.*" Dodsw., vol. 129, f. 183. I am not aware of any grounds for considering this to be more than a mere legend.

Witebi, Overbi, et Nedhrebi, id est Steinsecher, Thingwala, Leirpel, Helredale, Gnip, id est Hauchesgard, Normanebi, Fielingam et alteram Fielingam, Bertwait, Setwait, Snetune, Hugelbardebi, Sourebi, Risewarp, Neuham, Stachesbi, Baldebi, Breccha, Flore, Dunesleia; Heremitoria de Eschedale et de Mulegrif; forestas quæ pertinent ad ecclesiam de Witebi; Ecclesiam Sanctæ Mariæ ejusdem villæ cum sex capellis,[1] et appendiciis ejus: Agge-milne, Kocche-milne, molendinum de Risewarp, Novum Molendinum, molendinum de Fielinga: villam de Hachanesse, et duo molendina, et ecclesiam Sanctæ Mariæ ejusdem villæ, ecclesiam Sancti Petri ubi monachi nostri Deo servierunt, obierunt et sepulti sunt; Dales, Everlai, Brocchesei, Northfeld sine danegeld, et Silfhou, totam Gaitelei, Suthfeld; Et vaccharias de Stoupe, (139^b) et de Thornleia, et de Kesebec, et de Bilroche; in Uplium duas partes decimæ bladi de dominio, et de Wiltune, de Semara, de Nafretune; In Lindeseia similiter, de Immingeham, de Sumerledebi, de Staintune, de Caprimonte, de Ludeford, de Elchintune, de Saletorp, de Covenham, et D'Autnebi; dimidium piscariæ de Hergum: Ex dono Emmæ de Port habemus unam mansuram in Usegate, et duas carucatas terræ, unam in Ysleham, et alteram in Sneileswelle: Ex dono Ricardi de Perci de Dunesleia, filii Willielmi de Perci Ohtlesgernuns,[2] duas partes decimæ bladi de dominio

Specification of all lands, tithes, etc., given by W. de Perci and his son Alan at the outset, and secondly before the departure for Jerusalem, and by other early benefactors. Vill and port of Whitby, and neighbouring vills. Hermitages, forests, six chapels, mills, vill of Hackness, two mills, the church of S. Mary there, besides the cell of S. Peter, vills of Dales, etc. Vaccaries. Tithes in Upleatham, etc. Of the gift of Emma de Port, a mansura at York, and 2 car. land. From Ric. de Percy de Dunesley, tithes in Stachestune.

[1] Supplied on the lower margin:—capellam de Filinga, et de Hakesgard, et de Snetuna, et de Ugilbardebi, et de Duneale, et de Asulvebi.

[2] This is merely the "cognomento Asgernuns" of the third line from the commencement of the Memorial, with O. English *Hote* (other forms being *hot*, *hate*, *hatte*, *hete*, *hight*, or *highte*; A.S. *hatan*, to call, p. part. *háten*, *gehâten*, called, named) in the place of the Latin *cognomento*. Another form of the appellation is "Ove les gernuns," wherein, as *hote* is O. English, *Ove* is O. French. "Primitivement le *cum* latin se rendait dans la langue d'oil par les formes *ave*, *ove*, *ad*, *a*, *od*, *o*, qui sont corrompues de *apud*, préposition qui s'employait dans la basse latinité fort souvent avec la valeur de *cum*" (Scheler, Dict. d'Etymol. Française, in. v. *avec*). Similarly, "Asgernuns" is the old form of what would now be *aux gernons*=*à les gernons*. As to the meaning of *gernons*, it is I believe assumed, rather than proved, to be moustaches, or (according to others) whiskers. Thus, Miss Yonge (*Christian Names*, ii. 424), writes:—"William de Albini, the second husband of Henry I.'s widow, Alix, of Louvaine, wore moustachios, which the Normans called *gernons*, and thus his usual title was William als Gernons." Unfortunately, in contrast with the facts of the case, the paragraph is continued:—"And, as the common ancestor of the Howards and Percys, left this epithet to them as a baptismal name."

From Hugo de Boithorp. From Walter de Percy de Rugemond. From Alan de Percy le Meschin. From W. de Percy, son of Alan I. From Alan Buscel. From Ace, son of Wimund de Lockington. From Folco, dapifer of Alan de Percy.

de Stachestune. Similiter in Boitorp, ex dono Hugonis de Boitorp et uxoris suæ, Aalizæ de Perci, neptis Willielmi de Perci et Serlonis Prioris: Ex dono Walteri de Perci de Rugemond, duas carucatas terræ in Newetune: Ex dono Alani de Perci le Meschin, duas carucatas terræ, unam in Hetune juxta Rochesburc, et alteram in Oxeneham: Ex dono Willielmi de Perci, filii Alani de Perci, advocati nostri, ecclesiam de Semara: Ex dono Alani Buoel, filii prædictæ Aalizæ, neptis Willielmi de Perci et Serlonis Prioris, ecclesiam de Hotune in Pickeringelit (*cum* terra juxta Der*wentum* qui dicitur *Westcroft*, et Heremi*torium* juxta West*croft*, *cum* communi pas*tura in perp*etuam ele*mosinam*, libere et quiete *ab omni exac*tione seculari)[1] . . . juxta Hachenese: Ex dono Ace filii Wimundi de Lochintun, nepotis Willielmi Abbatis, dimidiam carucatam terræ in eadem villa de Hotun, et duas bovatas terræ in Middeltune: Ex dono Folconii, dapiferi Alani de Perci, duas carucatas terræ in Thoulestune.

Mansuræ in Scarborough. From Uctred, son of Thorkil de Cleveland. From Uctred, son of Cospatric. From Torphin de Alverstain, son of the aforesaid Uctred. From Paganus de Wykeham. By agreement with convent of Bridlington. From W. Bardolf and his son Walter.

In Scartheburc habemus tres mansuras, unam ex dono Mauricii Presbiteri, alteram ex dono Ricardi, Presbiteri de Kaitona, tertiam ex dono Roberti, filii Aschetini Capellani, et duas bovatas terræ in Kilverdebi: Ex dono Uctredi filii Thorkil de Cliveland, duas carucatas terræ in Brinistona, sine danegeld, et molendinum ejusdem villæ: Ex dono Uctredi filii Cospatric, duas carucatas terræ in Kaitun ✠[2] . . . Ex dono Torfini de Alverstain, filii prædicti Uctredi, duas bovatas terræ in eadem villa: Ex dono Pagani de Wicham dimidiam carucatam terræ in Wicham, et duas partes decimæ bladi de dominio ejusdem villæ: Ex concessu et pacto Wikemanni prioris (140) et Conventus de Bredlintonia, decimam piscium piscatorum de Fivelei, cum portum Witebiensem intraverint; eodem vero modo piscatores de Witebi decimam dabunt in Fivelei: Ex dono Willielmi

[1] The passage within the brackets is supplied from the margin, the words and parts of words in italics having been cut off in binding. There is an erasure after "Pickeringelit," and before "juxta Hachenese."

[2] Here there is a mark in the form of a Latin cross, with a red dot in each of the angles formed by the arms, with a supplementary statement on the margin, which is unfortunately so mutilated that nothing can be made of it. What is left is as follows:—" . . . e Kaitun ix ad. . . . ni m̊ habemus di. . . . t're et acras tres. . . . acris duabus carru. . . . et Ricardi. . . . habemus in pratis de. . . . ad unam bovatam t're." where the stops show the ends of the lines.

Bardolf, et Walteri filii ejus, unam mansuram in Farmanebi: Ex dono primi Durandi de Buttrewic, unam carucatam terræ in Butterwic, et duas bovatas terræ in Scamestona, et unum molendinum: Ex dono Roberti de Perci, filii Pichot de Perci, ecclesiam de Suttun: Ex dono strenuissimi militis Alani de Munceus, et Ingeramni filii ejus, ecclesiam de Bernestona: Ex dono Roberti Thalun, unam mansuram in Kelc: Ex dono Willielmi comitis Alba-marliæ, dimidiam marcam argenti, quam reddit annuatim Willielmus filius Seir de terra sua de Newetun in Holdernese: Ex dono Hugonis Malet et Margaretæ matris suæ totum[1] dominium suum de Rothewelle: Ex dono Walteri de Canci et Anfridi filii ejus, ecclesiam de Scerpinbec, et in eadem villa quinquaginta acras terræ: Ex adquisitione domini Martini monachi, dimidiam carucatam terræ, et triginta acras terræ in eadem villa: Ex dono Willielmi de la[2] Fubble duas bovatas terræ et triginta acras terræ ad Pontem Belli: Ex dono Willielmi Hai et Roberti Chambord, ecclesiam de Slingebi: Ex dono Rogerii Abbatis et Conventus de Evesham, ecclesiam de Huntendune juxta Eboracum, unde dabimus annuatim decem solidos Ecclesiæ de Evesham: Ex dono Regis Willielmi Ruffi, filii Willielmi Bastard, Regis Anglorum, in Eboraco, ecclesiam Omnium Sanctorum de Fischergate, cum omnibus pertinentiis suis, quam dederat Serloni Priori et Monasterio de Witebi in elemosinam perpetuam, ea pactione, ut ibi monachi prædictæ ecclesiæ Deo servirent, et pro eo orarent, et pro hæredibus suis: Ex dono domini Gernegoti tres mansuras ibidem, scilicet, in Fischergate, quas habet Willielmus filius Odonis, et Leising, et Hugo Clericus de Brantspade: Et Walterus le Teler unam mansuram: Arnoldus unam mansuram: Siwardus duas mansuras: Hugo filius Audoeni unam mansuram, quæ fuit Wulfhet Fabri: Willielmus Brun unam mansuram: Henricus frater Willielmi de eodem Fischergate, unam mansuram: Henricus le Corveiser unam mansuram: Gocelinus (140b) de Araci unam mansuram: Odo Clericus unam mansuram: Benedictus Clericus unam mansuram: Gamellus Burrigan unam mansuram: Ex dono Audoeni, unam mansuram in Walbegate, quam tenet Hugo filius ejus: Ex dono Rogerii de Mubrai unam mansuram ad Pontem Fossæ, in escambium propter

From Durand de Butterwick. From Rob. de Percy, son of Pichot de Percy. From Alan de Munceus and his son Ingeram. From Rob. Thalun. From W. Earl of Albemarle. From Hugo Malet, and his mother Margaret. From Walter de Canci, and his son Anfrid. Acquired by d'nus Martin, the monk. From W. de la Fubble. From Will. Hai and Rob. Chambord. From Abbot Roger of Evesham. From King William Rufus, on condition that a cell be established there, and prayers be made for himself and his heirs. From d'nus Gernegot. From other persons, divers mansuræ in York, mostly one each.

[1] The word *totum* is interlined in red.

[2] Written *sa*.

Hod quam tenet Ricardus Faber: Ex dono Lewini[1] Fardein habemus unam mansuram in Mersc, quam tenet Walterus Fardein: Ex dono Emmæ de Port, unam mansuram in Usegate, quam habet Thomas filius Ulfihet: Ex dono Johannis, Lardinarii Regis, unam mansuram quam tenet Johannes Clericus, filius ejus, in eodem vico: Ex dono Godefridi et Turgisii habemus duas mansuras in eodem Usegate, quas tenuerunt de nobis Orm et Audoenus, et nunc tenet Hugo filius ejus: Ex dono Gaufridi, filii prædicti Audoeni, habemus terram quandam,[2] et edificia quæ tenet Hugo frater ejus: Ex dono domini Gernegoti, unam mansuram habemus in Steingate quam habet Hugo, filius Willielmi filii Tostini: Ex dono Paganæ, matris prædicti Willielmi, unam mansuram juxta ecclesiam Sancti Wilfridi in Bleikestrete, quam tenet Uctredus Malherbe: Ex dono Arnegrim, unam mansuram in Sceldergate, quam habet Thomas Lolle: Ex venditione Reginaldi le Poer, habemus totam terram suam, et totum jus suum, scil. tres mansuras in Sceldergate, et sex bovatas terræ et quoddam pratum in[3] Torp quæ tenet Osbertus Bustard, et unam mansuram super ripam fluminis Use, ubi ipse Reginaldus le Poer manebat, quam tenuit de nobis Willielmus Clericus de Stokeslei: ipse vero Reginaldus le Poer terram illam, cum hærede suo, abjuravit et quiete-clamavit, tradiditque in manu domini sui, Rogerii de Mubrai, et ipse illam dedit, et concessit, et confirmavit Deo et Sancto Petro et Sanctæ Hyldæ, Monachisque nostris de Witebi, in elemosinam perpetuam.

By purchase from Reginald le Poer, lands, etc., in York, and Thorp, near York.

Ex dono Torfini de Alverstain, filii Uctredi filii Cospatric, ecclesiam de Crosebi Ravensuuart, cum duabus carucatis terræ et aliis pertinentiis suis, et centum quadraginta acras terræ in eadem villa: Ex dono Adam filii Viel, ecclesiam de Kirchebi, et ecclesiam de Englebi, et molendinum ejusdem villæ: Ex dono Roberti primi[4] et Stephani del Mainil, ecclesiam de Hatun de Cliveland, cum omnibus appendiciis suis, scil. Capella de Neutun sub Otneberch, et Torp, et Parva Hatun: Ex dono (141) Roberti de Brus, ecclesiam Sanctæ Hyldæ Abbatissæ de Midlesburch, et unam carucatam terræ in eadem

From Torphin de Alverstain, filii Uctredi, filii Cospatric.
From Adam, filius Viel de Engleby.
From the first Robert de Mainil.
From Robert de Brus, at Middlesburgh.

[1] Interlined in red. [2] Written *quoddam*. [3] The word *in* is inserted in red.
[4] The word *primi* interlined, but not in red; and in a later hand. Robert de Mainil II. died in 1206: Robert I. tempore Henr. I.

villa, et duas carucatas et duas bovatas terræ in Neweham, quas donaverat Deo et Sanctæ Hyldæ monasterioque de Witebi, in elemosinam perpetuam, ea conventione ut in Midlesburch monachi præfatæ Ecclesiæ Deo Sanctæque Hyldæ servirent, quot locus honeste retinere posset, et pro eo orarent, et pro hæredibus suis, sicut carta illius testatur: Ex dono Johannis Ingeram, ut frater specialiter fieret ejusdem loci in orationibus et elemosinis monachorum, duas thofz in eadem villa; et novem acras terræ in Brigeflat dedit, et communem pasturam in Fittis[1] Mersc: Similiter ex dono Acelini iiii^or acras et dimidiam: Ex dono Anfridi unam acram terræ, et ex dono Rogerii filii ejus tres acras terræ: Ex dono Roberti Ramkil, tres acras et unam pertichatam terræ: Ex dono Henrici Malet iiii^or acras terræ, et novem acras in quoddam escambium: Ex dono Willielmi de Acclum et Ceciliæ matris suæ, iiii^or acras terræ: Ex dono Rogerii Kusin unam acram terræ: Ex dono Rogerii de Martun, duas acras terræ in eadem villa: Ex dono Willielmi, filii Tosthini, duas acras in Martun: Ex dono Willielmi de Thameton, duas acras terræ in Martun: Ex dono Roberti de Baius, unam acram in Ormesbi: Ex dono Roberti de Cleveland,[2] unam acram et unam perchatam terræ in Ormesbi: Ex dono Warnerii de Uppesale, duas acras terræ in Ormesbi: Ex dono Unfredi de Hotun, et Sussannæ uxoris suæ, unam mansuram in Hotune: Ex dono Roberti Fossard, unam carucatam terræ in Roucebi: Ex dono Roberti de Argentum, duas bovatas terræ in Upplium: Ex dono Roberti de Livertun, dimidiam carucatam terræ, sine danegeld,[3] cum additamentis quas Willielmus Decanus nobis adquisivit: Ex dono Walteri de Argentum, et Willielmi de Perci de Dunesleia, et Aalizæ matris suæ, habemus duas bovatas terræ in Suht Lofthus[4]: Ex dono primi Willielmi Wirfaud, dimidiam carucatam terræ in Hilderwelle cum una mansura: Ex dono Willielmi de Ochetun partem cujusdam mansuræ in eadem villa. Jam numeravimus omnes donationes quas præfati advocati nostri nobis dederunt in elemosinam perpetuam.

From John Ingram.

[1] *Fittis* interlined, with a mark to show that it should come before Mersc, in which case *de* requires to be supplied. "*Fitty*, a term applied to lands left by the sea; marsh lands, Linc."—Halliwell.

[2] Written *Cleveland*, but with an *i* interlined above the first *e*.

[3] *Sine danegeld* interlined.

[4] *Suht* interlined.

II. Interrogation by the Archbishop of the Abbot Elect, and Profession of the Latter.

(141[b]) Vis propositum et Sancti Benedicti regulam ipse observare, tibique subjectos ut id ipsum faciant diligenter instruere?

Responsio.—Volo.

Res quoque ecclesiæ hactenus dispersas injuste congregare, et congregatas, vis, quantum prævales, non dispergere, easque in usus ecclesiæ, fratrum, pauperum, etiamque peregrinorum conservare?

Responsio.—Volo.

Vis humilitatem[1] et patientiam in temet ipso custodire, et alios similiter docere?

Responsio.—Volo.

Vis Sanctæ Matri Ecclesiæ Eboraci, mihi et successoribus meis, canonicam obedientiam per omnia observare?

Responsio.—Volo.

III. Resignation of Abbot Benedict, and notice of the circumstances attending the appointment of his successor.

In the year 1148 Abbot Benedict resigns his office, at Beverley, in presence of Arch-bishop Murdac, and retires to the cell at All Saints, York. The monks consult the Arch-bishop as to his successor, who refuses to sanction the resignation except on condition

Anno ab incarnatione Domini m°cxlviii Dominus Benedictus, Abbas Monasterii Sancti Petri Apostoli et Sanctæ Hyldæ Abbatissæ de Witebi, non ferens molestias a quibusdam suis adversariis sibi illatas, ex consensu totius Conventus, in capite jejunii, apud Beverlacum[2] in præsentia Domini Henrici Eboracensis Archiepiscopi, sponte officium suum refutavit. Permansit vero idem Benedictus, consensu totius capituli, in Ecclesia Omnium Sanctorum in Fischergate apud Eboracum. Deinde monachi de Witebi consilium inierunt quem sibi abbatem eligerent, veneruntque ad Archiepiscopum suum, Henricum Murdac, ut consilio et auxilio ejus fruerentur. Qui respondit eis, se non esse permissurum ut vel Abbatem eligerent vel alium præter dominum Benedictum haberent, nisi totius Conventus providentia se consilio illius committeret, et unum eligerent de tribus personis quas[3] eis nominaret; vide-

[1] Written *humilitem.*

[2] Written *Berverlacum.*

[3] quas is right. It is perpetually made to agree with *persona* as a *feminine* noun though designating *men.*

licet, Dominum Thomam Grammaticum, monacum Monasterii Sancti Albani, nepotem suum, et Dominum Ricardum, Priorem Monasterii Sancti Petri Burgensis, atque Dominum Germanum, Priorem Monasterii Sancti Oswini Regis, de Tinemue, qui postea Abbas de Selebi effectus est. Fratres vero Witebienses, amicorum suorum consilio corroborati, tandem Priorem Ricardum sibi in Abbatem canonice elegerunt, quia didicerant illum virum esse prudentissimum et ex nobili prosapia ortum. Miserunt autem ad Burgense monasterium Walterum Priorem suum et Dominum Martinum monachum, viros honestos qui ab adolescentia sua usque ad decrepitam ætatem omnem vitam suam in utilitatibus Monasterii sui transegerant. Susceperunt eos fratres Burgenses honorifice in die Sancti Dunstani[1] atque in octavis Ascensionis.[2] Hæ ambæ solennitates eodem anno in una die acciderunt. Vix eum Burgenses in Abbatem promoveri sinebant, ne ejus solatio privarentur. Tandem dimissus secunda die Pentecostes ab Abbate suo Martino a Conventu, honorifice cum suis, et cum duobus monachis prænominatis, apud Eboracum Stephanum Regem Angliæ adierunt; a quo benigne suscepti sunt. Cum ergo Rex audisset electionem monachorum de Witebi, et famam viri Domini Ricardi, jussu illius Abbas de Witebi effectus est, ejusque homagium suscepit. Intravit vero Dominus Ricardus Abbas Monasterium Witebiense, sibi commissum, Dominica[3] prima post octavas Pentecostes nonas Junii. Erant tunc in eodem Monasterio xxx^{ta}.[4] vi. monachi qui eum honorifice susceperunt, congratulantes ei in Domino. Itaque qualiter vixerit, vel domum Domini correxit in redditibus, et in ædificiis, et ecclesiis, possessionibusque adquirendis; quam benignus, quam humilis, quam largus, quam discretus, quam misericors exstitit, penitus referre non possumus. Viginti denique vi. annis et mensibus vii., diebus quindecim, in regimine pastorali transactis, post diuturnos et

that one of three nominated by himself be appointed, viz., Thomas Grammaticus, monk of S. Albans; Richard, Prior of Peterborough; and German, Prior of Tynemouth. Richard of Peterborough elected. Walter, Prior of Whitby, and Martin, a monk, sent to Peterborough. Being let go by the Abbot of Peterborough, they come to King Stephen at York, and obtain confirmation of Richard's election. Thirty-six monks then in the Monastery. Character of Abbot Richard's administration.

[1] *in* is inserted here.

[2] *assensionis.*

[3] There is some confusion about this date. The nones of June is the fifth day of June. But in the year 1148, Easter Day fell on April 11th; Pentecost consequently would fall on May 30th, and the following Sunday on the sixth of June. Independently of this, the Octave of Whitsunday is Trinity Sunday, and the first Sunday after that in 1148 would have been the 13th, not the 5th June.

[4] Written *xxx^{ti}*.

After a long rule he died 1st January 1175.

Buried in the Chapter House, which had been built by himself, next Abbot William.

Names of the 38 monks who were in the Monastery on Abbot Richard's death.

magnos languores, ad diem pervenit ultimum. Post gallorum quidem cantus, accepto viatico sacro sanctæ communionis, circa ortum diei, circu[1]-astante ei Domino Thoma Priore, cum cæteris fratribus quos ut pius pater foverat, educaverat, et regulari institutione informaverat, dormivit cum patribus suis, kalendis Januarii anno ab incarnatione Domini m°c°lxxv^to^.,[2] sepultusque est, quarto die, ab eisdem fratribus, in Capitulo quod ipse ædificaverat, juxta Dominum Abbatem Willielmum. Reliquit in eodem monasterio xxx^ta^viii°. monachos, quorum nomina sunt hæc:—Thomas Prior, Radulfus I., Martinus, Aschetinus, Ricardus I., Bartholomeus, Willielmus I., Gregorius, Walterus I., Constantinus, Mauricius, Odo, Alexander, Radulfus II., Ricardus II., Robertus, Willielmus II., Herveius, Gaufridus I., Walterus II., Johannes, Henricus I., Rogerus, Petrus, Hugo, Thomas II., Gaufridus II., Henricus II., Nicholas, Adam, Johannes II., Radulfus III., Radulfus IIII., Everardus, Reginaldus, Ranulfus, Michael.

Anno secundo post transitum Abbatis Ricardi, electus est in Abbatem de Witebi Dominus Ricardus, Prior de Kirchebi, monachus Monasterii Sancti Nicholai Andegavensis, intravitque Monasterium præfatum sibi commendatum die Passionis Apostolorum Petri et Pauli.[3] Erant vero tunc in eodem Monasterio triginta octo monachi, qui eum honorifice susceperunt; quibus Dominus conferat gratiam suam ut regnent cum ipso in æternum. Amen.[4]

[1] Sic.

[2] The kalends of January being the 1st January, and the period of Abbot Richard's rule being so specifically given just above, as including 26 years, 7 months, and 15 days, it follows that he must have been consecrated on May 16th (or 17th), 1148, or nearly three weeks before he entered on his duties at the Abbey.

[3] June 29th, 1176.

[4] There is no doubt at all that the preceding "Memorial," together with the Abbot's profession, and the above notice of the resignation of Abbot Benedict, the election, reign, and death of his successor, and the subsequent appointment of Abbot Richard II., are in the oldest handwriting in the Cholmley MS., or "Abbot's Book." The two documents last named are on the reverse of the leaf which contains the final part of the Memorial, and it may be a matter of question whether they are in the same hand, and of equal date. The ink employed, and the blue and red pigments used on some of the capitals, appear to be of the same, or nearly the same, consist-

(I) IV.[1] CONSTITUTIONES REGIS HENRICI, FILII REGIS JOHANNIS QUOD VIDUÆ HABEANT DOTES INFRA XL. DIES.[2]

Statutum est in curia Domini Regis Henrici, anno regni sui xx°., die Mercurii, in crastino Sancti Vincentii, apud Geldeford coram domino E[admundo][3] Archiepiscopo Cantuarensi, et co-episcopis[4] suis, et coram majori parte Comitum et Baronum Angliæ pro communi utilitate totius regni Angliæ, quod de cætero omnes viduæ, quæ post mortem virorum suorum expellantur de dotibus suis, vel dotes suas et quarentenam suam habere non possint sine placito, et quæ postea per placitum dotes suas recuperaverint de tenementis de quibus viri earum

ency and quality. If anything, the ink is blacker and more glossy in the Memorial than in the other two documents under notice, though the seeming difference may only depend upon the circumstance that the writing is made larger, and the spaces between the lines much wider in the former than in the latter. On the whole, I am inclined to think that possibly a space of a few years may have intervened between the penning of the larger writing of the Memorial and that of the other two entries, as also that the latter were written very closely upon the date that is last mentioned, namely, in the year 1176. This would throw the writing of the Memorial back to about 1155 to 1165, which is probably not far from the true date.

[1] According to the existing paging of the Cholmley Register, or "Abbot's Book," which will hereafter be designated by the letter A—the Museum copy being likewise indicated by the letter M—the Cartulary begins here; and it may be remarked in passing that the handwriting on f 1, and the upper part of 1[b] is the same as that on f 8, and thenceforward with an occasional blank page or leaf, and a rare insertion or two, to the bottom of f. 71. The hand may probably be assigned to Abbot Roger's time, or 1222-1244.

[2] In the Record Commissioners' edition of the *Statutes of the Realm*, at the end of the Provisions of Merton, there is a copy of the Close Roll of 20 Henry III. (T. R. *apud Guldeford* xxx. *die Januarii*), which contains the same clauses as in the text, and is apparently the King's direction to the Sheriff to execute the clauses of the Merton Provisions. Except that it reads "Curia nostra," instead of "Curia Regis," all the variations are of a mere clerical sort. The copy in the text seems to be a sort of rehearsal of the statutory enactment, drawn from the writing to the Sheriff, but thrown into the statutory form. The Council at Merton was held on the morrow of St. Vincent, January 23. The writ is dated January 30 at Guildford, just a week after. The extract may be from a Statute Roll, non-existent or lost, or a redaction of a conventual scribe from the writ.

[3] Written with only the initial E.

[4] Written *quoepiscopis*.

obierint saisiti,[1] recuperent similiter cum dotibus suis de illis qui de injusto deforciamento fuerint convicti dampna sua in valorem totius dotis[2] illas contingentis a tempore mortis virorum suorum usque ad diem quo ipsæ viduæ per judicium Curiæ Regis saisinam suam recuperaverint, et ipsi deforciantes nichilominus sint in misericordia Domini Regis sicut prius solent.

V. Omnes viduæ possunt legare blada seminata.

Omnes viduæ de cætero legare possunt blada sua in terra, tam de dotibus suis quam de aliis liberis terris et tenementis suis, salvis servitiis dominorum quæ debentur de dotibus. (*Stat. Mert.*, Cl. i. c. 2.)

VI. De disseisina facta post seisinam factam per Vicecomitem.

Si quis fuerit disseisitus de libero tenemento suo et coram Justiciariis itinerantibus[3] seisinam recuperaverit[4] per assisam novæ disseisinæ, vel per cognitionem eorum qui disseisinam fecerint, et ipse disseisitus per vicecomitem seisinam suam habuerit, si ipsi disseisiatores[5] postea, post iter Justiciariorum vel infra, iterum conquerentem disseisaverint, et inde convicti fuerint, statim capiantur et in prisona nostra detineantur, donec per nostram[6] redemptionem vel alio modo deliberentur. Eodem modo fiat de hiis qui seisinas suas recuperaverint per assisam mortis antecessoris. Et similiter omnibus aliis qui terras et tenementa quocunque modo in Curia Regis per juratas[7] recuperaverint, si postea disseisiti fuerint a prioribus deforciatoribus versus quos recuperaverint.

VII. Quod magnates[8] possint assaltare . . . .[9]

Quoniam[10] multi magnates de regno Angliæ[11] qui feoffaverunt[12] milites et libere tenentes de parvis tenementis [in]

[1] There is here an *e* with an apparent mark of abbreviation, to which nothing answers in the Roll. [2] Supplied from the margin.
[3] *itenerantibus.* [4] *recuperaverint.* [5] *dissesiatores.*
[6] ? if not "per nos per redemptionem." The statute has "per Dominum regem per redemptionem;" the Rot. Claus., "per nos per redemptionem."
[7] *juratam.* [8] *magnatas.* [9] Illegible.
[10] "Quia" in the Statute of Merton.
[11] "de regno" omitted in the Stat. [12] *feofevverunt.*

magnis maneriis suis questi fuerunt quod commodum[1] suum facere non potuerunt de residuo maneriorum suorum, sicut de wastis, boscis, et pasturis de sicut[2] ipsi feoffati[3] sufficientem habere possent pasturam,[4] quantum pertinet ad tenementa sua; ita provisum est et concessum quod, cum hujusmodi feoffati[5] a quibuscunque[6] assisam novæ disseisinæ deferant de communa pasturæ [suæ] si coram justiciariis cognoverint[7] quod sufficientem pasturam habuerint quantum pertinet ad tenementa sua, et [quod] habeant ingressum et egressum [de tenementis] suis usque ad pasturam suam, tunc inde sint contenti, et illi de quibus [con]questi fuerint[8] quieti recedant de hoc[9] quod de terris, wastis, boscis, et pasturis commodum[10] suum fecerint. Si autem dixerint quod sufficientem pasturam non habuerint, vel sufficientem ingressum et egressum, quantum pertinet ad tenementa sua tunc inquiratur veritas inde[11] per assisam. Et si per assisam recognitum fuerit quod per eosdem in (1^b) aliquo fuerit impeditus eorum egressus vel ingressus, vel quod non habeant sufficientem pasturam et sufficientem ingressum et egressum sicut prædictum est, tunc recuperent seisinam suam per visum juratorum; ita quod per discretionem et sacramentum juratorum[12] habeant conquerentes sufficientem pasturam, et ingressum et egressum sufficientem, in forma prædicta; et dissaisiatores [sint] in misericordia [D'ni Regis] et dampna reddant sicut solent[13] ante provisionem istam. Si autem recognitum fuerit per assisam quod conquerentes[14] habeant sufficientem pasturam, cum libero ingressu et egressu sicut prædictum est, tunc licite faciant alii com[m]odum suum de residuo, et recedant de assisa illa quieti, et conquerentes sint in misericordia.[15]

[1] *quomodum.* [2] "quum" in the Stat. [3] *feophati.*

[4] "habeant sufficientem pasturam" in Stat.

[5] *feophati.* The clause in the Stat. is "quicunque hujusmodi feoffati."

[6] Omitted in the Statute.

[7] Here the version is more like that in Bracton, lib. iv. c. 38 fol. 227, but varying from it in many minor particulars of phraseology. In the Stat. the passage runs, "et coram justiciis recognitum fuerit quod tantam pasturam habeant quantum sufficit ad tenementa sua."

[8] *fuerant.* [9] "de eo" in Stat. [10] *quomodum.*

[11] Omitted in Stat.

[12] "eorum" in Stat. [13] "reddi debent" in Stat.

[14] "querentes" in Stat.

[15] The last clause is not inserted in the Stat.

VIII. Quod usuræ non currant super mortuum.

Quod de cætero non currant usuræ contra aliquem infra ætatem existentem, a tempore mortis antecessoris sui cujus hæres ipse fuerit, usque ad legitimam ætatem suam; ita tamen quod propter hoc non remaneat solutio debiti principalis cum usuris ante mortem antecessoris sui.

IX.[1]

Lease by Abbot Thomas de Malton to Ric' de Landmote of half a toft in Flowergate for 40 years, at an annual payment to the Precentor of 4s., said Richard to renew the buildings on the said toft at his own expense, and at end of term give it up in good repair.

Omnibus hoc scriptum cirograffatum visuris vel audituris, Thomas,[2] permissione divina Abbas Monasterii de Whiteby et ejusdem loci Conventus, salutem. Noveritis nos concessisse et ad firmam dimisisse Ricardo de Landmote medietatem unius tofti in Floregate in Whiteby, jacentem inter duo tofta Willelmi de la Sale,[3] habendum et tenendum eidem Ricardo et hæredibus suis, vel assingnatis, de nobis et successoribus nostris, libere et integre et pacifice, a festo Sancti Martini in hyeme, anno gratiæ millesimo ccc^{mo}, tertio decimo, usque ad terminum quadraginta annorum proximo sequentium plenarie completorum—Reddendo inde annuatim Præcentori nostro, qui pro tempore fuerit, quatuor solidos argenti, ad festa Pentecostes et Sancti Martini in hyeme, per æquales partes. Et idem Ricardus medietatem dicti tofti sumptibus suis propriis in omnibus de novo ædificabit, et in fine termini sui ædificatum nobis et successoribus nostris reconsingnabit. Nos vero prædicti Abbas et Conventus, et successores nostri, medietatem dicti tofti eidem Ricardo et hæredibus suis, vel assignatis, usque ad finem

[1] This charter, with those that follow up to No. 19, the latter also included, are all written in a later hand than that of the preceding extracts, and the ink is also paler than that in any other part of the volume. The writing moreover in the case of the last four of these charters is both smaller and closer than in Nos. 9-15 both inclusive. The last of this series, or No. 19, is dated 1318, and it is possible that the date of the insertion is not much later than that year.

[2] Thomas de Malton.

[3] Named again in No. 11, and again in that next following, but there as Will. de Aula. In Claus. 2 Edw. III. (1328), he is mentioned as Will. atte Hall de Whiteby, and as recently dead.

dicti termini contra omnes homines warantizabimus, acquietabimus et defendemus. In cujus rei testimonium uni parti hujus scripti cirograffati sigillum Capituli nostri apposuimus; altera vero pars sigillo dicti Ricardi est consingnata.

Warranty.

(2) X.

Grant and confirmation for the repair of books, an annual rent of 4s., payable to the Precentor for the time being, to be derived from the house of Alex. Textor, held of the grantor.

Omnibus Christi fidelibus ad quos pr. scr. pervenerit, Symon le Porter in Whiteby salutem in Domino. Noverit discretio vestra me, voluntate et consensu Angnetis uxoris meæ, dedisse, concessisse, et hac præsenti carta confirmasse Deo et Ecclesiæ Sancti Petri et Sanctæ Hyldæ de Whiteby, et monachis ibidem Deo servientibus, ad emendationem librorum, quatuor solidos redditus, per manus Præcentoris percipiendorum de domo Alexandri Textoris, proxima, videlicet, domui Willelmi filio Petronillæ; quam quidem domum prædictus Alexander de me tenuit pro quatuor solidis annuis. Ego vero Symon et hæredes mei dictum redditum prædictis monachis et eorum successoribus contra omnes homines warantizabimus et defendemus in perpetuum. Et ut hæc mea donatio, concessio et præsentis cartæ confirmatio perpetuæ firmitatis robur optineat in posterum, præsens scriptum sigilli mei munimine roboravi. Hiis testibus. Willelmo de Lincolnia, tunc Senescallo de Whiteby.[1] Galfrido Scotte, tunc Ballivo de Whiteby. Hugone de Sartrino. Galfrido Penok. Petro de Lincolnia. Andrea Scotte. Rogero de Celario. Thoma Marscallo; et aliis.

XI. Abbas demisit unum toftum in Kirkgait Johanni de Fontibus.

Hæc Indentura[2] facta inter Religiosos viros, Abbatem et

[1] Will. de Lincoln was Seneschal of Whitby, or Abbot's Seneschal, during the incumbency of Abbot William de Kirkham, who succeeded Abbot Robert de Langtoft (ob. 1278), and died in 1304. William de Lincoln is T. to a Convenit between Abbot William and William fitzRobert de Dales, dated 1286. His name is frequently met with without the distinguishing title of Senescallus, in most of which cases the documents antedate 1280.

[2] This deed is the third and last, in point of time, of three, two of which stand together in this place. The next is the first in order, and No. 19 second. The latter, as well as the present charter, is dated, and would of course be executed before this. The next deed, or No. 11, may, and probably does, antedate the other two by several years.

Lease of half a toft in Kirkgate (now Church Street) in Whitby lying between the said John's land and John Pok's, and formerly held by Alex. Her, for the term of 40 years by paying to Thos. Wyberne and heirs 4s. 6d. annually, and 1s. to the Precentor.

Conventum de Whiteby, ex una parte, et Johannem ad Fontem,[1] ex altera, testatur quod prædicti Religiosi concesserunt et dimiserunt eidem Johanni medietatem unius tofti terræ, cum ædificiis et pertinentiis suis, in Whiteby, jacentem in Kirkgate, inter terram ejusdem Johannis, ex parte una, et terram Johannis Pok, ex altera, quod quondam erat Alexandri Here; Tenend. et habend. medietatem dicti tofti terræ, cum omnibus suis pertinentiis, eidem Johanni et hæredibus suis a festo Pentecostes, anno gratiæ millesimo ccc^{mo} decimo octavo, usque ad terminum quadraginta[2] annorum proximo sequentium plenarie completorum—(2^{b}) Reddendo inde annuatim Thomæ Wyberne, et hæredibus suis, quatuor solidos et sex denarios ad festa Pentecostes et Sancti Martini in hyeme per æquales partes, et etiam Præcentori de Whiteby, qui pro tempore fuerit, annuatim xii. denarios, terminis supradictis. Et prædicti Religiosi, Abbas et Conventus, medietatem dicti tofti terræ cum omnibus suis pertinentiis dicto Johanni et hæredibus suis usque ad præfatum terminum XL. annorum plenarie completorum contra omnes homines warantizabunt et defendent. In cujus rei test. parti hujus scripti penes dictum Johannem residenti iidem Abbas et Conventus sigillum suum apposuerunt, altera vero parti sigillo dicti Johannis consingnata. Hiis testibus. Petro de Lincolnia. Roberto Page. Willelmo de la Sale. Thoma de Lownsburgh. Willelmo Fabro et aliis. Datum apud Whitby, vigilia Apostolorum Philippi et Jacobi, A. G. supradicto.

Warranty.

XII.

Thomas Wybern and his heir grant to Alexander Her and his wife half a toft in Whitby in fee for an

Omnibus hanc cartam vis. vel aud., Thomas Wybern et Andreas filius ejus et hæres, salutem sempiternam. Noverit univ. vestra nos ded. conc. et hac pr. c. nostra conf. Alexandro Here et Julianæ uxori suæ unum dimidium toftum t'ræ cum ædificiis suis et asiamentis in Whiteby, jacens inter t'ram quæ quondam fuit Thomæ filii Isabellæ, versus partem meridio-

[1] He is styled Johannes atte Kelde in No. 19, where the O. Danish word in the designation is noteworthy. *Keld*, though now nearly or quite obsolete, was the universally prevailing name throughout this district in mediæval times for a spring or fountain.

[2] Written *quatraginta*.

nalem, et t'ram Johannis Pok, versus partem aquilonalem; Ten. et hab. præd. Alexandro, Julianæ et eorum hæredibus, vel eorum assingnatis, in perp., in feodo et hæreditate, de nobis et hær. nostris, vel assignatis, libere, quiete, integre et in pace—Reddendo inde annuatim nobis et hær. nostris, vel nostris assingnatis, iiii. solidos et vi. denarios argenti; viz. med. ad Pentecostem et aliam med. ad festum S. Martini in hyeme; et Præcentori conventuali Ecclesiæ S. Petri de Whiteby, qui pro tempore fuerit, (3) duodecim denarios eisdem terminis; et faciendo inde burgagium Domini Abbatis de Whiteby, quantum pertinet ad dim. toftum t'ræ in eadem villa, pro omni servitio sæculari, consuetudine, et demanda. Nos vero, Thomas, Andreas, et hær. nostri, vel assingnati, præd. dim. toftum t'ræ cum ædificiis, pertinentiis suis et asiamentis, prædictis Alexandro, Julianæ et eorum hær., vel eorum ass., c. o. h. et f. in perp. warantizabimus. In cujus rei test. præs. cartæ sigilla nostra apposuimus. Hiis testibus. Petro de Faiceby, tunc Ballivo de Whiteby. Galfrido Penok. Alexandro Scotte. Willelmo de Lyth. Johanne Hersand. Willelmo filio Hermanni. Willelmo de Aula. Galfrido de Lyth. Nicholao de Lyth. Roberto Page. Rogero Tinctore; et aliis.

annual payment of 4s. 6d. to grantor and his heirs, and 12d. to the Precentor of Whitby for the time being, and rendering burgage service to the Abbot.

XIII.

Sciant omnes tam pr. quam fut. quod ego, Nicholaus de Cardoile, d. et c. et hac pr. c. mea conf. Deo et almario[1] Ecclesiæ

[1] Charlton is very much at sea about matters involved in this deed. At p. 97, commenting on a charter by Will. fil. Ricardi de Percy de Dunsley, in which also this word *almario* occurs, he says—"It does not well appear who or what this Almary was; our records mention him as a person who lived at Whitby and resided in the monastery, but in what character we cannot positively say, etc. etc." It is almost unnecessary to say that *almarium* is simply the Latin form of the old English word *almarie* (in its more modern form *Aumbry*, "a locker in the north chancel wall"—Hook's *Church Dictionary*), which is defined by Halliwell as "a cupboard, a pantry, a safe," and claimed by him as a "north-country word" in its form *aumbry*. He further quotes as an example—"There avarice hath *Almaries*, and yron-bounde coffres" (*Piers the Plowman*, *Text B.*, *Early E. Text Society Series*, p. 249, l. 246). Besides supposing the almary to be the "chantor, or person who provided the monks with such books as were necessary for the celebration of divine service, and perhaps for their library also," Mr.

Nich. de Cardoile gives to God and the almary of the Abbey a rent of 6d., out of the toft he held at Whitby.

S. Petri et S. Hyldæ de Whiteby, pro salute a. meæ et pro s. uxoris meæ, et omnium amicorum meorum, et antecessorum meorum, redditum sex denariorum in die Natali Domini, de me et hær. meis in perp. suscipiendorum, de illo videl. tofto quod teneo in villa de Whiteby de Nicholao Bussel et hær. suis in feodo firma, quod est proximum domui quæ fuit Ricardi[1] Brande. Ego vero et hær. mei istam donationem war. Deo et almario et præd. Eccl. S. P. et S. H. de Wh. c. o. h. et fæminas. Et ut hæc donatio mea rata sit et stabilis, pr. scr. sig. mei impressione corroboravi. Hiis testibus. Willelmo Lambe. Rogero de Lincolnia. Roberto fratre ejus. Willelmo filio Freyesent. Ada fratre ejus. Roberto Capellano. Rogero Prudum; et aliis.

XIV.

Thos. de Berningham gives to Whitby a yearly rent of 18d., payable out of a toft in Flore, 9d, of his own special gift, and 9d. previously due out of said toft.

Universis S. Matris Eccl. filiis ad quos pr. c. perv. Thomas de Berningham de Whiteby, filius Roberti de Berningham, salutem. Noveritis me d. c. et pr. c. mea conf. Deo et Eccl. S. P. et S. H. de Whitby, et Præcentori qui pro tempore fuerit, (3^b) ad emendationem librorum, redditum decem et octo denariorum, per annum, med. ad Pentecosten et aliam med. ad f. S. Martini in hyeme, de quodam dimidio tofto t'ræ in Whitby, in vico qui vocatur Flore, quod pater meus habuit de dono Thomæ de Anelagby; et jacet inter t'ram Bartholomei filii Alexandri, ex parte orientali, et t'ram Radulfi de Piscaria, ex parte occidentali; ita videl. quod novem denarii de dictis octodecim sint specialiter de dono meo, et alii novem denarii de veteri firma dicto Præcentori de præd. tofto debita. Et si contingat quod per me vel aliquem hær. meorum prænominatus redditus a retro fuerit[2] aliquo casu, licebit præd. Præcentori præd. toftum ingredi et in manu sua tenere quousque

Charlton assumes the date of this deed to be about thirty years later than that of William de Percy de Dunsley aforesaid, or about 1170 according to his reckoning. The date, however, is at least thirty or forty years later than that—probably more. The widow of William Lambe, the first among the witnesses, gives certain lands to Whitby for the soul of her late husband during the incumbency of Abbot Roger (1222-1244).

[1] *Ricardo.* [2] *Esse.*

tam de firma quam de arreragiis plenarie fuerit satisfactum. In cujus rei test. præs. c. sig. meum apposui. Hiis testibus. Willelmo de Lincolnia,[1] tunc Senescallo domini Abbatis. Johanne Hersand.[2] Andrea Scotte. Galfrido Penok. Johanne de Hilderwell; et aliis.

XV.

Omnibus Christi fidelibus h. c. vis. vel aud., Thomas Skyn, filius Ricardi Skyn de Whiteby, s. in D'no sempiternam. Noverit univ. vestra me d. c. et pr. c. mea conf. Deo et Eccl. S. P. et S. H. de Whiteby, Dominisque meis, Abb. et Conv. ibid Deo serv., ad emendationem librorum, in p. et perp. elem. unum dim. toftum, cum pertinentiis suis, in villa de Whiteby: illud videl. dim. t. quod jacet inter t'ram Walteri filii Willelmi Fullonis, et t'ram Isabellæ Fox: Ten. et hab. dictis Abbati et Conventui et succ. suis lib. qu. bene, in pace, et integre, cum omn. pert. absque omni servitio sæculari in perpetuum. Ego, vero, Thomas, et hær. mei, vel mei assingnati, præd. dim. toft. t'ræ cum pert. suis ut puram et perp. elem. c. o. h. war. acq. et def. in perpetuum. Ut autem hæc mea donatio, concessio et præsentis cartæ confirmatio perpetuæ[3] firmitatis robur optineat in posterum, pr. cartam sig. mei munimine roboravi. Hiis testibus. Willielmo de Lincolnia, tunc Senescallo.

Tho. Skyn of Whitby grants to Whitby, for the repair of books, a half toft in Whitby.

[1] Will. de Lincoln's name again gives an approximate date for the charter. See note, p. 15.

[2] This witness is probably the John Ersand senior of the following charter, the original of which is among the documents belonging to Mrs. Barnes of Gilling Castle:—

Sciant omnes tam pr. quam fut. quod ego, Johannes Ersand senior, conc. remisi et omnino imperp. qu. cl. D'no Gawano de Thueng, Rectori Ecclesiæ de Lythum, hær. et assign. suis, totum jus quod habeo seu habere potero in una bov. terræ cum pert. in Dunesle quæ vocatur Balkoxganges, quam habui ex concessione Roberti filii Willelmi de Perci: ita quod nec ego nec, etc. Testibus. Willelmo de Roseles. Willelmo de Everle. Radulfo de Molendino. Ricardo de Landmote. Petro de Lyncolnia; et aliis.

It may be remarked that the Gawan de Thueng, Rector of Lythum (Kirkleatham), here named, will be seen in the sequel to have had divers interests in the Dunsley property. He was, it is needless to say, of the family of Thweng of Kilton.

[3] *perpetuuæ.*

Galfrido Scotte. Rogero Vicario. Hugone de Sartrino. Andrea Scotte. Galfrido Penok. Thoma Page. Thoma de Luttona; et aliis.

(4) XVI.

Hugh, son of Alexander Suanball, grants to Whitby a yearly rent of 3s.

Sciant præs. et fut. quod ego, Hugo filius Alexandri Suanballi, d. c. et hac pr. c. mea conf. Deo et Eccl. S. P. et S. H. de Whiteby, et Abbati et Monachis ibi Deo serv., ad opus Præcentoris ejusdem domus, tres solidos annui redditus, in selda et solario domus meæ in Hakelsougate in Whiteby, versus vicum: percipiendos ad duos anni terminos, med. ad Pentecostem et med. ad festum S. M. in hyeme; et si contingat præd. redditum a retro fore ad aliquem terminum, et non inveniatur districtio sufficiens in præd. selda et solario, unde firma levari poterit, volo et concedo, pro me et hær., quod præd. Abbas et Monachi distringant pro firma prædicta et arreragiis, per totum domum meam præd., pro voluntate sua, absque aliqua contradictione mei vel hær. meorum in perpetuum. In cujus rei test. huic cartæ sig. meum apposui. Hiis testibus. Hugone de Sartrino. Johanne Hersande. Galfrido Penok. Willelmo de Lyth. Johanne de Hilderwele. Roberto Page. Willelmo Heritage; et aliis.

In case of non-payment, power to distrain.

XVII.

Galfrid son of Thomas of York, gives to Whitby a rent of 4s. yearly for the reparation of the books, out of a toft in Flowergate, in consideration of money advanced to him by the monks.

Omnibus hoc scr. vis. vel aud., Galfridus, filius Thomæ de Eboraco, sal. in Domino. Noverit univ. v. me d. c. et hac præs. c. mea conf. Deo et Eccl. S. P. et S. H. de Whiteby, et Monachis ibid. serv., et Præcentori qui pro tempore fuerit, ad reparandos libros, quatuor solidatos redditus annuatim percipiendos de uno tofto in Whitby, in loco qui dicitur Flore. med. ad Pentecosten, et aliam med. ad f. S. M. in hyeme, de illo tofto, scil. de quo Matildis de Camera quondam tenuit dim. toftum, et Angnes, uxor Radulfi de Hotona, aliud dim. toftum, pro quadam summa pecuniæ quam dicti Monachi michi dederunt in mangna mea necessitate: Ten. et hab. dictis Monachis, in l. p. et perp. elem., sicut aliqua elem. liberius et quietius possit teneri. Ego, vero, Galfridus et hær. mei dictos

quatuor solidatos redd. de dicto tofto annuatim percipiendos dictis Monachis c. o. h. et f. war. acq. et def. in perpetuum. In cujus rei test. huic pr. scr. sig. meum apposui. Hiis testibus. Radulfo de Midelburgh, tunc Senescallo.[1] Richero de Fyling. Roberto de Lyth. Nicholao Wiberne, tunc Ballivo.[1] Rogero Vicario. Alexandro de Cotom. Galfrido Penok. Andrea Scotte; et aliis.

XVIII.

Notum sit omn. tam præs. quam fut. quod ego, Walterus, filius Godfridi filii Blaker, d. et c. et hac pr. c. mea conf. Hugoni, filio Rogeri Prudume, unum toftum t'ræ in Whiteby, quod videl. jacet inter t'ram Ricardi Freboys et t'ram Angnetis, uxoris Thomæ Coci, in vico qui vocatur Flore: Ten. et hab. l. et qu. et honorifice de me et hær. meis, prædicto Hugone et hær. suis, pro duabus marcis argenti, quas præd. Hugo dedit michi præ manibus in mea necessitate: redd. inde annuatim D'no Abbati burgagium et unum denarium annuatim ad libros Eccl. B. Petri de Whiteby, pro omni serv., consuet. et exactione ad me vel ad hær. meos pertinente. Et ego Walterus et hær. (4^b) mei[2] war. præd. toftum cum omn. pert. suis præd. Hugoni et hær. suis c. o. h. et f. in perpetuum. Hiis testibus. Domino Rogero, Abbate de Whiteby. Willelmo de Foxtone, tunc Senescallo de Whiteby. Roberto de Barneby. Andrea de Dunsle. Willelmo de Waldene. Willelmo Mercatore. Willelmo Tinctore. Roberto fratre ejus. Petro de Neuham; et aliis.

Walter son of Godfrid son of Blaker conveys to Hugh, son of Roger Prudume, a toft, in consideration of two marks paid him.

XIX.

Universis Christi fidelibus hanc c. vis. vel aud., Alexander Her de Whiteby sal. in Domino. Noverit univ. v. me remi-

[1] The two officials here named appear again as common witnesses to a deed—a bond from Will. Clericus de Foston to Abbot William de Brinistun (1258-1265), but without mention of the distinctive titles here appended.

[2] On the top margin of f. 4^b is inserted, in a different hand, Willelmus Kemp et Rede de Denhaul, isti duo, excluserunt nos a communi pastura in Denhaul feld et redynge, a porta Redyng usque ad viam vocatam Gatcot.

Redynge or *ridding*, a clearing in a wood or forest; still preserved in many local names.

Alexander Her de Whitby quitclaims to Whitby for eleemosynary purposes, all his right and claim in a half toft in Kirkgate.

sisse et omnino quietum clamasse de me et hær. meis in perp. Religiosis viris, Abbati et Conventui de Whiteby, et eorum succ., ad opus elemosinariæ eorundem, totum jus et clameum quod habui, habeo, vel aliquo tempore habere potero, in medietate unius tofti t'ræ in villa de Whiteby, jacentis in Kirkgate, inter t'ram Johannis atte Kelde, ex parte una, et t'ram Johannis Pok, ex parte altera—ita videl. quod nec ego Alexander, nec hær. mei, nec aliquis per nos, vel nomine nostro, aliquid juris vel clamii in med. dicti tofti t'ræ vendicare poterimus in futurum. Et ego Alexander et hær. mei med. dicti tofti t'ræ, cum omn. suis pert. ut prædictum est, dictis religiosis, Abbati et Conventui, et eorum succ. ad opus elemosinariæ eorundem, c. o. h. war. et def. in perpetuum. In cujus rei test. præs. c. sig. meum est appensum. Anno gr. millesimo ccc^{mo}. decimo octavo. Hiis testibus. D'no Alexandro de Percy,[1] milite. Johanne de Wykham, Senescallo Abbatis et de Whitby. Roberto Page. Ricardo Penok. Willielmo Fabro. Willielmo Payn; et aliis.

XX. Willelmus de Everley, D'nus [de] Ugylb[a]rbie remisit clamium in commune de Eskdale.[2]

Will. de Everley quitclaims to Whitby all his right in any enclosures whatever in Eskdale and Iburndale,

Omnibus hoc scr. cyrograffatum vis. vel aud., Willelmus de Everley,[3] dominus de Ugylbardby,[4] s. in Domino. Noveritis me conc. remisisse et omnino de me et hær. meis imperp. qu. clamasse D'no Abbati et Conv. de Whiteby et eorum succ. omne jus et cl. quod habui, vel aliquo modo habere potero, ratione communæ pasturæ, vel alio jure quocunque, in omnibus clausis et clausturis suis ante præsentium confectionem factis in Eskedala[5] et Yburn,[6] vel alio loco ubique in mora, boscis, seu vasto ejusdem Abbatis et Conventus, vel Ecclesiæ de

[1] Son of William de Percy, and nephew of Arnold de Percy de Kildale, Lord of Sneton, Upsale, and Ormesby, 9 Edw. II. (1316), and frequently a witness to Whitby conventual deeds of the first quarter of the fourteenth century.

[2] This deed, and the two that follow, are in a different handwriting, later than that which precedes, and I think corresponding with that which begins on f. 72 and is continued to f. 114. The heading is on the margin in a much later hand.

[3] M. Everle.

[4] M. Ugelbarby.

[5] M. Eschedale.

[6] M. Yburne.

Whiteby pertinentibus; excepta quadam claustura quæ dicitur "le Haygarth," quæ per tres annos a festo Sancti Michaelis proximo futuro tunc remanebit in defenso—Habendas, omnes et singulas clausturas prædictas separales, et in separalitate tenendas,'(5) eidem Abbati et Conventui et succ. suis, lib. integre et qui. imperpetuum: ita quod nec ego Willelmus, nec hær. mei, nec aliquis per nos nec nomine nostro, aliquid juris vel clamii in aliquibus præd. clausturis, ratione communis pasturæ ad liberum tenementum meum in Ugylbardby[1] pertinentis, seu per aliud speciale factum michi debitæ, excepto in "le Haygarth," post lapsum temporis prædicti, de cætero exigere poterimus, vel in posterum vendicare: set me et hær. meos ab omni jure communicandi in eisdem imperpetuum fore exclusos fateor per præsentes: salvis michi et hær. meis rationabilibus estoveriis, tamen, in clausturis de Eskedal et Yburn[2] capiendis, prout in quodam scripto inde antecessoribus meis confecto plenius continetur: jure vero communicandi in clausturis de Eskedal et Yburn[3] die præsentium confectionis factis, ea occasione ut boscus per dictos Abbatem et Conv. succisus possit recrescere[4] tempore triennii a die succisionis vicissim completo michi et hær. meis minime præcluso. In cujus rei test. parti præsentis scripti cyrograffati penes dictos Abbatem et Conventum remanenti sig. meum apposui, altera vero parte sigillo eorundem Abbatis et Conv. consignata. Hiis testibus. Alexandro[5] de Percy, et Roberto Acklome,[6] militibus.[7] Petro de Lyncolne. Willielmo de Aula de Whiteby. Roberto de Everle. Johanne Lepiz. Johanne de Wykham, et aliis. Datum apud Whiteby, tricesimo die Augusti, anno gr. millesimo, trecentesimo, undecimo.

except the Haygarth.

XXI. [M. 48.]

Omnibus hoc scr. cyrogr. vis. vel aud., Willelmus, filius et hæres Willelmi de Everle de Ugylbardy, sal. in Domino. Noveritis me conc. remis. et omn. de me hær. meis imperp. qu. clamasse D'no., etc., as in the last.

[1] M. Vgelbardby. [2] M. Eschedale et Yburne. [3] The same.
[4] *recressere.* [5] M. Domino Alexandro, etc. [6] M. Ackelom.
[7] M. "et aliis"; no other witnesses being specified.

(6) XXII. ESCHEDALE CUM YBURNE. [M. 93b, 46b.]

Agreement between Convent of Whitby and Alan de Everley touching estovers in Iburn wood and 5 bovates of land.

Anno gr. millesimo cc^mo septuagesimo, ad Pascha, ita convenit inter D'num Robertum[1] Abbatem et Conventum de Whiteby,[2] ex una parte, et Alanum de Everley, ex altera parte, super quibusdam contraversiis motis inter præd. Alanum petentem, et prædictos Abbatem et Conventum, defendentem,[3] de rationalibus estoveriis in bosco de Yburne[4] quinque bovatis t'ræ in Uglebardby[5] pertinentibus, quarum quatuor bovatæ t'ræ sunt de dominico præd. Alani, et quinta bovata t'ræ fuit Milisantæ, sororis ejusdem Alani, unde placitum motum fuit inter ipsam Milisantem[6] et præd. Abbatem coram Justiciariis in banco, per breve rationabilium estoveriorum in bosco prædicto. Tandem coram Dominis Johanne de Okenton, D'ni Regis Justiciario, et Ada[7] de Seton milite,[8] et aliis fide dignis, ex consensu[9] partium electis, in hunc modum dictæ contraversiæ amicabiliter conquieverunt:—Ita scil. quod prædicti Abbas et Conv. concesserunt præd. Alano et hær. suis rationabilia estoveria in toto præd. bosco Abbatis de Yburne,[10] per visum forestariorum præd. Abbatis, ad ædificandum manerium suum in præd. t'ra, vel alibi infra præd. villam de Ugilbardby,[11] prout sibi melius viderint[12] expedire, et[13] ad claudendum, comburendum, et vaccariam et bercariam in solo proprio ipsius Alani construendum, si voluerint, sine vasto, dono et venditione. Et pro hac concessione præd. Alanus concessit pro se et hær. suis, et in totum remisit omnimoda estoveria bosci ad Bondos suos, Cottarios, et Gresmannos[14] pertinentia.[15] Ita quod nec ipse nec hær. sui, nec aliquis ex parte sua, aliquid in præd. bosco de cætero exigere poterit, nisi ad sustentationem manerii sui, et aliorum necessariorum suorum, sicut prædictum est. Et ad hanc conventionem firmiter[16] observandam partes alternatim hiis scriptis sigilla apposuerunt. Hiis testibus, D'no Willelmo

1 ob. 1271. 2 M. Wyteby. 3 M. ita.
4 M. Iburn. 5 M. Ogelbardby. 6 M. Milisantam.
7 *Ade.* 8 *militis.* 9 *concensu.*
10 M. Iburne. 11 M. Ogelbardby. 12 M. viderit.
13 M. omitted. 14 M. Grosmannos.
15 *pertinentes.* M. pertinencia.
16 *faciendam* written in first, and then deleted.

de Upsalla.[1] [M. Willelmo de Rosels et Johanne de Rosels, Militibus. Roberto de Clif. Ricardo de Perci.[2] Willelmo de Everley.[3] Radulpho de Loktona. Galfrido de Everley. Rogero de Ryswarp]; et aliis.

(6b) XXIII. De Eskedalla et Iburne.

Recordum in banco, de termino Paschæ, Anno regni Regis Ricardi secundi post conquestum Angliæ quinto. Rot^{s}. ccc b.

Willelmus Brok,[4] Rogerus Brok[5] de Iborne, Rogerus Chapman, Johannes Chapman de Iborne, Adam Milner,[6] Johannes Peche, Laurentius del Grene de Ugylbardby, Johannes del Grene de Ugylbardby, Johannes Halman de Ugylbardby, Willelmus Alkys de Ugylbardby, Radulfus Jopson de Ugylbardby et Johannes Jopson de Ugylbardby, attach[i]ati fuerunt ad respondendum Abbati de Whytby, de placito quare vi et armis clausa ipsius Abbatis apud Eskedall et Iborne fregerunt, et arbores et subboscum suos ibidem nuper crescentes succiderunt,[7] et in separali turbaria sua ibid. foderunt et turbas

[1] M. Opsale.

[2] This is almost certainly Ric. de Perci de Dunsley, who is named together with Will. de Rosels, miles, and Alan de Everley, witnesses to a quitclaim by Will. de Everley, filius Will. de Everley de Ugelbardby, of all rights, etc., to whatever lands he had in Eschedale and Yburne, with the exception of common rights, etc. [No. 455.]

[3] There is a William de Everle who has grant of Everley between 1177 and 1189; a second who lives before and during Abbot Roger's time, 1222-1244; a third and a fourth, both of whom, father and son, are living in 1311, the younger of whom is still living in 1320. This is probably, if not certainly, Will. de Everley, the father in No. 20.

[4] Written *grok* originally, but corrected to *brok*.

[5] Written *grok*, and left so. In all further occurrences of the name, however, it is written *brok*.

[6] It is almost necessary, in the interest of the members of the S. S., who are possessors of Charlton's *History of Whitby*, to note the mistakes made, as to this document, at pp. 252, 253 of that volume. Adam Milner is turned into Adam Apluer; the sentence, "Adam Milner, Johannes Peche, Laurentius del Grene de Ugylbardby," is rendered by "Adam Apluer and John Peche, herdsmen of the Steve (*or Constablery*) of Ugylbardby," (Grene being misread as Steve, and *lauren' del* utterly misconceived); "Johannes del Grene de Ugylbardby" by "John of the Green, of the Steve of Ugylbardby," besides other smaller matters of misconception.

[7] *suscidorunt.*

inde projectas, ac arbores et subboscum prædictos, necnon alia bona et catalla sua, ad valentiam viginti librarum ibidem inventa, ceperunt et asportaverunt, et blada et herbam sua, et gramina bosci sui cedui, ad valentiam decem librarum ibidem nuper crescentia cum quibusdam averiis depasti fuerunt, conculcaverunt et consumpserunt, et alia enormia ei intulerunt ad grave dampnum ipsius Abbatis et contra pacem Regis, etc.

Jurati dicunt, super sacramentum suum, quod prædictus Willelmus Brok, Radulfus Jopson et Johannes Jopson, quoad omnes transgressus infra contentos, præter de asportatione bonorum et catallorum præd. Abbatis per se, sunt culpabiles ad dampnum ipsius Abbatis novem librarum; quoad ipsos Willelmum Brok, Radulfum et Johannem Jopson, et quoad asportationem bonorum et catallorum ejusdem Abbatis, dicunt quod ipsi in nullo sunt culpabiles. Dicunt etiam [i]idem Juratores super sacramentum suum, quod prædicti Rogerus Brok, Rogerus Chapman, Johannes Chapman, Johannes Peche, Laurentius et Johannes del Grene, Johannes Halman, et Willielmus Alkys sunt culpabiles per se de pastu bladorum et graminum bosci cedui prædicti Abbatis, unde infra placitaverunt ad primam.[1] Et quoad de pastu eorundem bladorum et graminum bosci, et de pastu herbæ prædicti Abbatis in clausis et clausturis ejusdem Abbatis tempore confectionis scripti relaxationis de quo infra fit mentio factis, unde per judicium[2] convicti sunt prout patet infra, assident dampnum ipsius Abbatis penes eos per se ad viginti et tres libras. Dicunt etiam iidem Juratores super sacramentum suum, quod prædicti Rogerus Brok, Rogerus Chapman, Johannes Chapman, Adam [Milner], Johannes Peche, Laurentius [et] Johannes del Grene, Johannes Halman et Willelmus Alkys, quoad asportationem bonorum et catallorum præd. Abbatis, in nullo sunt culpabiles. Ideo concessum est quod præd. Abbas recuperet versus prædictos Willelmum Brok, Radulfum Jopson et Willelmum Jopson dampna[3] sua prædicta versus eos, occasione transgressionum prædictarum per se factarum ad novem libras assessa. Et similiter versus prædictos Rogerum Brok et

[1] Ita.
[2] Written Judiũ; probably the true reading is as in the text.
[3] *dampnum.*

Rogerum Chapman, Johannem Chapman, Adam, Johannem Peche, Laurentium [et] Johannem del Grene, Johannem Halman, Willelmum Alkys, dampnum[1] sua prædicta ad viginti et tres libras versus eos per se assessa occasione[2] transgressionum. Unde ipsi per se per juramentum patriæ[3] et per judicium convicti sunt. Et prædicti Willelmus Brok, et omnes prænominati, capiantur, etc. Et similiter præd. Abbas in misericordia pro . . . [4] clameo suo quoad residuum transgressionis prædictæ. Unde prædictus Willelmus Brok et omnes alii acquietati sunt et ipsi eant inde sine die, etc. Postea, scilicet in octavis Purificationis Beatæ Mariæ, anno regnorum Domini Regis (7) nunc octavo, venit præd. Abbas per attornatum suum præd. et dicit quod satisfactum est ei de dampnis prædictis. Ideo prædicti Willielmus Brok, et omnes alii eant inde sine die, etc. Et quia transgressio prædicta facta fuit diu ante Statutum de pardonatione hujusmodi transgressionum factum in Parliamento Domini Regis nunc, ideo prædicti Willelmus Brok et omnes alii prænominati eant inde quieti absque fine cum Domino Rege occasione[5] transgressionum prædictarum. Faciendum[6] etc. ut in quodam Rotulo in Thesaurario cum evidentiis de Ugylbardby.

XXIV.[7] [M. 48b (57).]

Hoc scriptum cyrografatum[8] testatur quod nos, Willelmus,[9] Dei Gr. Abbas de Whiteby, et ejusdem loci Conventus, concessimus dilecto nostro Johanni Barde[10] rationabilia estoveria in bosco nostro de Yburne per visum et liberationem forestarii nostri in tota vita sua ad ædificandum manerium suum in

[1] So written for the second time.
[2] *accasione.*
[3] Written *Juram' p'rie.*
[4] Uncertain—written *flō.*
[5] Written accōe.
[6] Ita.
[7] This is an insertion in the same handwriting as Nos. 20, 21, and 22, and stands by itself.
[8] M. cirograffatum.
[9] William de Kirkham, Abbot up to 1304, having succeeded Robert de Langtoft, who died in 1278.
[10] M. Bard. John Barde is witness to a confirmation by Henr. fil. Henr. de Percy (M. 8b; infra, No. 405), dated 1308; and from a memorandum on f. 113b of the same MS., it appears that he held one carucate in Cayton of the fee of Roger Bygod.

Uglardby,[1] et ad comburendum et claudendum, sine vasto,[2] dono, et venditione:—Ita videl. quod dictus Johannes, ratione concessionis hujus sibi tantum datæ, nichil exigere poterit ad Bondos, Cottarios, Gresmannos, et alios tenentes suos, nec etiam aliquis hæredum, assign. vel. succ. suorum aliquod jus vel clamium in hujusmodi estoveriis[3] vendicabit. In cujus r. test. partes alternatim hiis scriptis sua sig. apposuerunt. Hiis testibus Willelmo de Everley, Domino de Uglardby.[4] Petro de Faceby.[5] Galfrido de Everley. Willielmo Herman. Galfrido de Lith; et aliis.

. . . .

Verte[6] ad folium præcedens pro materia istius evidentiæ.

. . . .

XXV.[7]

Hugo Cestrensis Comes, Thomæ Archiepiscopo de Eboraco, et Willelmo de Perci, et Henrico[8] Vicecomiti Eboraci, præpositis et ministris meis, et omnibus fidelibus, salutem. Sciatis me concessisse Renfrido Priori et Conventui ejus Ecclesiam Sancti Petri Whitbyensis, et omnia quæ ad eam pertinent: ipsisque et prædictæ Ecclesiæ dedi ecclesiam de Fleinesburgh, cum omnibus decimis Francigenis et Anglicis, in elimosinam perpetuam. Teste: Alano Comite; et Radulpho Paganello; et Aschetillo de Bulmer; et Roberto de Bruis; et Gisleberto Adelardi filio; cum aliis.

(7^b) XXVI.[9]

Notum sit omnibus S. Matris Ecclesiæ filiis, tam fut. quam

[1] M. Ugelbardby. [2] M. *vastu.* [3] M. hujusmodi estoverii.

[4] M. Ugelbardby.

[5] M. "et aliis," placed here, with no further specification of witnesses.

[6] That is, to f. 6, where No. 22 finds its place.

[7] This document is found at the bottom of No. 7, and is in a hand which is not met with in any other part of A. It is late and ill-written, and the occurrence of the name Fleinesburgh in it has led to some suspicion of its authenticity. See the Introductory Chapters.

[8] The contraction is He', and although there is no Henricus mentioned in Drake's list of Sheriffs of Yorkshire—very imperfect throughout the Conqueror's reign—still it probably stands for that name.

[9] This deed, again, commencing at the top of f. 7^b, and with the last three

præs., has lit. videntibus vel audientibus, quod ego Willelmus de Perci dedi, c. et conf. Deo et Eccl. S. P. et S. Hyldæ de Whitby, et monachis ibid. Deo serv., in elem. puram et perp., pro D'no meo, Henrico Rege Angliæ,[1] et pro hær. suis, et pro animabus Willelmi de Perci, avi mei, et Alani de Perci, patris mei, et Emmæ de Gant, matris meæ, et animabus[2] parentum meorum, et pro me ipso, et pro Aliza, uxore mea, et pro hær. nostris;—videl. Whitby, ubi præd. Eccl. est, et eccl. S. Mariæ ejusdem villæ, et Portum maris, cum omnibus libertatibus et pertinentiis suis, et Nidrebi, Overbi, Hauchesgard, Normannebi, Fielingam, aliam Fielingam, Staupe, Snetune, Uglebardebi, Sourebi, Newham, Duneslac, Stachesbi, Brecca, Baldebi, Floram, et Hachanessam, et eccl. S. Mariæ ejusdem villæ, et eccl. S. Petri, cum pertinentiis suis, ut ibi aliqui monachi antedictæ Ecclesiæ de Whitbi jugiter maneant, et Deo et S. Hildæ serviant, et orent pro animabus prænominatis; et Northfled, Suffled, Everleia, Brochesseia et Tornesleia, et eccl. de Samara cum pertinentiis suis, et duas partes decimæ bladi de totis dominiis meis, undecunque culta et seminata fuerint tempore meo vel hær. meorum;—scil. de Uplium, de Wiltun, de Samara, de Natfertuna, de Stachestuna: in Lindisia similiter, de Emmingeham, de Sumerledebi, de Stantune, de Caprimonte, de Ludeford, de Elchintune, de Caletorp, de Covenham, de Autnebi; et medietatem piscariæ de Ergum, et t'ram de Eboraco quam Emma de Port, mater Alani de Perci, patris mei, præd. Ecclesiæ dedit; et duas carrucatas t'ræ, cum pert. suis, in Newtune, quas Walterus de Perci, frater meus, eidem Ecclesiæ dedit. Concedo et confirmo etiam duas bovatas t'ræ, cum pert. suis, in Uplium, ex dono Roberti de Argentum antedictæ Ecclesiæ. Concedo et confirmo et forestas, et pasturas, et

lines carried over to the foot of f. 8—on which what may be regarded as the Register proper begins—and written on the blank part left below the last line of the original entry, is in a hand which occurs nowhere else in the volume, and is quite late.

[1] The necessary conclusion from this phrase is that the granter of this charter, William de Percy, son of Alan, and grandson of William the Founder, executed it during the reign of Henry I., that is, in other words, before 1135; an inference which is materially confirmed by the fact that his cousin founded the convent, Grenedale or Handale, in the year 1133.

[2] *Omnibus.*

omnia nemora, cum aquis et stagnis ad præd. Eccl. de Whitbi pertinentibus. Hæc atque omnia dedimus ego et pater meus, et avus meus, et parentes mei, et ego ea concessi, et præsenti carta confirmavi, Deo et S. Petro et S. Hildæ de Whitby, et monachis ibid. Deo. serv., in elem. perp., ita libere, quiete ac solute ex omni exactione et consuetudine sæculari, quod nihil omnino nisi Abbatiæ defensionem michi retinui. Ego vero et hær. mei Abbatiam de Whitby et totam prænominatam elemosinam meam defendemus et adquietabimus ab omni equitatu et forensi servitio et consuetudine sæculari in omnibus rebus. Hii sunt testes. Gilebertus, filius Fulconis Dapiferi. Ernaldus, Presbiter de Tatecastre. Robertus, filius Pichot de Perci. Baldwinus, filius Radulphi de Irtuna. Willelmus de Hanchesgarde. Radulphus, Presbiter de Whitby. Robertus Cocus, et Walterus filius ejus. Adam, Præpositus de Whitby. Richerus filius Blacher, et Gaufridus filius ejus; et multi alii.[1]

[1] Charlton has made several mistakes in reading the names of these witnesses, as will appear in noting his "Ernald, Priest of Tendscre" (which, in a note, he says, "is most probably Stainsecre") with the true reading, and again in his "Daniel; Dewine" for Baldewine; "Richard, son of Blacher," for Richer, son etc.; and "Ranfrid," for Gaufrid or Geoffrey.

Several of the aforesaid witnesses number among the "homines," or subfeudatories of William de Percy, the grantor of this charter, as will be seen from the following extract:—

Black Book of the Exchequer, p. 60.

Red Book of the Exchequer, p. 119. *Ebor.*, p. 60.

Carta Willelmi de Perci.

Henrico Regi serenissimo, D'no meo, Willelmus de Perci salutem et fidelitatem. Isti sunt milites qui infeodati sunt de meo feodo, tam de vetere quam de novo.

Temp. H. 1.	Robertus Dapifer de	iii.	militibus.
	Robertus filius Pichot	„	„
	Willelmus le Vavasur	ii.	„
	Will. fil'. Hugonis	i.	milite.
	Will. de Nova Villa	„	„
	Gilebertus de Archis	„	„
	Radulphus de Mandavile	„	„
	Galfridus de Valoniis	„	„
	Thomas Daiville	„	„
	William Arundel	„	„
	Hugo Foliot	„	„
	Robertus fil. Roberti	„	„
	Robertus de Hallei	„	„

(8) Incipit transcriptum omnium cartarum pertinentium ad Abbatiam de Wyteby.

XXVII. Carta Willelmi de Perci primi Fundatoris Abbatiæ de Wyteby.

Willelmus de Perci omnibus cartam hanc legentibus, vel a

Stephanus Camerarius	de	i. milite.	
Ricardus de Weston	. . . . . .	,, ,,	
Willelmus de Argentum	. . . . . .	,, ,,	Uplium et Lofthus.
Ilgerus fil. Roeri	. . . .	,, ,,	Kilton.
Willelmus Humez	. . . .	,, ,,	Lofthus.
Willelmus fil. Ricardi et Walterus fil. Radulfi	.	,, ,,	
Durand. de Chaitun, et Ric. fil. Angod, et Galfrid. fil. Roberti, et Theobald. fil. Pagani, et Gilebert. de Archis	. . . .	,, ,,	
Adam fil. Normanni, et Thomas fil. Ypoliti	. .	,, ,,	
Will. fil. Roberti, et Petrus fil. Grent	. .	,, ,,	

Isti sunt milites de novo feodatu, scil. p. m. Regis Henrici de dominio meo.

Hugo de Poritt	de .	dimidio milite.
Nigellus de Stockelde	. .	,, ,,
Ricardus fil. Osberti	. . .	,, ,,
,, ,,	. .	,, ,,
Gilebertus fil. Fulcheri	. .	,, ,,
Petrus de Miansa	. . .	tribus partibus i. militis.
Rogerius fil. Fulcheri	. . .	vta parte i. militis.
Robertus Dapifer	. . .	dimidio milite.
Gilebertus de Archis	. . .	,, ,, et vta parte i. mil.
Nigellus de Plinton (?)	. .	i. ,,
Baldwinus fil. Ricardi	.	i. milite et vta. part. mil. et xma. parte.
Durand. fil. Jocelini, et Teobald. fil. Vincentii, Walterus fil. Ric. Joiline de Aichetona, Swainus Child, Will. Gren (?), Ordin. omnes isti	. . . de	i. milite.
Robertus de Hallin	. . de	dim. ,,
Rogerius Flandrigena, et Petrus de Miansa, et Will. de Arundel, et Will. Martin, omnes isti de iii		parte i. militis.

Hæc est summa de novo feodatu—Octo milites et tertia pars militis et xma pars militis de dominio meo.

It is not simply that, in this document, we recognise the names of some of the witnesses to the present charter, or of different benefactors of the Abbey of Whitby, but that while the charter, as granted by William de Percy II., helps us to date the document as being certainly due to the latter part of Henry's reign, the document in return tends rather to confirm the inference already made that the charter itself dates between 1132 and 1135.

Will. de Perci grants, for the founding of the Abbacy, to Whitby and to Prior Serlo, his brother, Whitby, with Stainsacre, Newham, and Stakesby, and the Hackness, churches of St. Mary and St. Peter, with adjacent vills, tithes in Upleathan and Wilton in Cleveland, and in several vills in Lincolnshire, half the fisheries of Ergum, with all woods, pastures, etc., appertaining to vill of Whitby, in free and perpetual alms.

legente audientibus, salutem. Notum sit omnibus, tam fut. quam præs., quod ego Willelmus dedi Deo et S. Hildæ Abbatissæ, ad fundandam Abbatiam olim destructam, ecclesiam S. Petri et S. Hildæ de Wẏtebẏ, et Serloni Priori, fratri meo, et Monachis ibidem Deo servientibus, in elemosinam perpetuam, pro anima domini mei Willelmi, Regis Anglorum, et dominæ meæ Matildis Reginæ; necnon pro d'no meo, Rege Willelmo, eorum filio, et pro hær. eorum, Regibus Anglorum, et pro d'no meo, Hugone, Cestrensi Comite; et pro animabus omnium parentum meorum, et pro memet ipso, et Emma de Port, uxore mea; et Alano de Perci, filio meo, et pro hær. nostris;—videl. villas de Wẏtebẏ, et de Stainsker, et de Neuham, et de Stachesby, cum omnibus pertinentiis earum; et portum [1]; et Hakanessam; et ecclesiam S. Mariæ ejusdem villæ, et ecclesiam S. Petri, cum omnibus pertinentiis suis, ut jamdicti Monachi de Wẏtebẏ in pace [2] sint et orent pro animabus prænominatis; et Nordfeld, et Sudfeld, Everlaye, et Brokesaye, et Tornelaye, cum omnibus ad easdem villas pertinentibus: In Upeleya, francigenam decimam annonæ hallæ; in Wẏltona similiter; in Chevermunt similiter; in Ludefort similiter; in Covenham similiter; in Emmingham, in Lindesaya, decimam annonæ hallæ; in Sumerledebẏ similiter; in Samare in Everwychesire, similiter; et in Ergum dimidium piscium: et forestas et pasturas, et omnia nemora, cum aquis et stagnis ad prædictam Ecclesiam de Wẏtebẏ pertinentibus. Hæc autem omnia dedi Deo et S. Petro et S. Hyldæ Abbatissæ, et Monachis de Wẏtebẏ Deo serv., in elemosinam perpetuam, ita libere, quiete, ac solute ex omni exactione, et consuetudine sæculari, quod ego et hær. mei præd. elemosinam defendemus et adquietabimus ab omni consuetudine et servitio. Huic dono affuerunt Testes et concessores, Thomas Archiepiscopus de Eboraco; Emma de Port, uxor mea; Alanus, Walterus, et Willelmus filii mei; Ernaldus de Perci; [3]

[1] After *portum* there is a blank space left, which shows evident marks of an erasure. [2] *In pace* written in red ink.

[3] This is beyond doubt the Ernald de Perci who is named in the Foundation Charters of Gysburne Priory (dated in 1119), as one among the "homines" of Robert de Brus, the founder, who had already become benefactors. His benefaction is thus specified:—"Eccl. de Ormesby, cum omnibus appendiciis suis, et molendinum de Caldecotes cum terra sibi adjacente,

Gilbertus Adelardi filius; Warinus; Ric[her];[1] Fulcho, filius Ray[n]fredi; Alredus; Gosfridus, Urseli filius.

(8[b]) XXVII. CARTA ALANI DE PERCY FILII WILLELMI DE PERCI, PRIMI FUNDATORIS ABBATIÆ DE WYTEBY. DE TERRIS ET EARUM DIVISIS.

Notum sit omnibus Catholicæ Ecclesiæ fidelibus, tam fut. quam præsentibus, quod ego, Alanus de Perci,[2] concessi et confirmavi Ecclesiæ S. Petri et S. Hildæ de Wẏtebẏ[3] et Monachis ibidem Deo serv., in elem. perp., villas quas Tancardus[4] Flandrensis vendidit Willelmo, Abbati de Wẏtebẏ, et Monachis illius loci; videl. Figelingam[5] et aliam Figelingam,

Alan de Perci confirms to Whitby the vills of Fyling, Normanby, and Haukesgarth,

ex dono Ernaldi de Perci." Under date 1121, *Sym. Dunelm. Hist. Contin.* (*S.S.*), p. 115, we read—"Hæc querimonia, facta Eboraci, media ferme Quadragesima, replicatur paulo post in ebdomada Paschali, feria iv. idus Aprilis, Dunelmi, coram magno conventu principalium virorum, qui tunc forte propter negotia quædam illuc confluxerunt, scil. Rodbertus de Brys, Alanus de Perceio, Walterus Espec, Forno fil' Ligulfi, Robertus de Witvila, Odard Vicecomes Northymbrensium, cum majoribus ejusdem Comitatus, aliique quamplures. Coram horum frequentia cum suas Monachi depromerent querelas, ecce, Harnoldus de Perceio, vir genere et divitiis notus, et in veritate asserenda constans, exurgens, in testimonium veritatis affirmabat coram omnibus, etc." This testimony to the importance of the position held by Ernald de Perci, and the estimation in which he was held, is worthy of note, as also is the fact that though undoubtedly a connection of the great Percies who founded and endowed Whitby—his name frequently appears as that of a witness to important documents executed by them—yet he is, unlike Pichot de Percy and his descendants, not a subfeudatory of theirs, but of the Brus family. There is little or no doubt that, at the date of the foundation of Gysburne, and probably for several years anterior to it, he was, and had been, lord of the Kildale fee, and no doubt at all that he was the founder of the Kildale family. The charters, executed by himself, his sons, and other lineal descendants, copies of which are contained in the Gysburne Chartulary, prove this to demonstration, and effectually dispose of the frequently repeated, but utterly groundless, so-called genealogical statements which attempt to derive the Kildale Percies from the Whitby stock, through Walter, son of Alan, and grandson of William hote les Gernuns, the founder of Whitby.

[1] This is simply written Ric'. He may be the Richer fil' Blacher found among the Testes in No. 26.

[2] M. Perceio. [3] M. Whiteby, and wherever the name occurs again.

[4] M. Tanchardus. [5] M. Fielingam.

purchased by Abbot Will. de Percy of Tanchardus Flandrensis, who had quit-claimed the same to the said Alan. Confirms also all lands, etc., in his fee held by the Abbey within the limits here specified.

Normanneby,[1] et Haukesgard,[2] cum omnibus pertinentiis earum. Ipse vero Tancardus villas prædictas michi reddidit, et ego eas dedi et confirmavi præd. Ecclesiæ, et ipse easdem villas abjuravit et quietas clamavit Deo et S. Petro et S. Hildæ de Wẏtebẏ, et Monachis illius loci, absque omni calumpnia de se et de hær. suis. Præterea dedi et confirmavi præd. Eccl. de Wẏtebẏ et Monachis ibidem Deo serv., in elem. perp., omnes terras, forestas, pasturas, et nemora de feodo meo, quæ ad ecclesiam de Wẏtebẏ pertinent, libere et quiete, in bosco et plano, in pratis et pasturis, in aquis et stagnis, et in omnibus quæ ad me pertinent, per metas istas—videl. a portu Wẏtebẏensi, totam marinam usque ad Blawych,[3] et inde usque Grenedic,[4] et in longum Grenedich usque Swinestischage,[5] et usque Thornelaye,[6] et totam Tornelaẏe,[7] et usque Kirkelac,[8] et usque Coppekeldebroc,[9] et inde in longum per cilium, ultra Theovesdiches,[10] et usque Staincrossegate,[11] quæ est prope villam[12] de Suffeld,[13] et usque Gretaheved,[14] et usque Elsicroft, et mosam usque dimidiam mosæ, et inde usque Derewentam,[15] et dimidiam Derewentam in longum, usque ubi erumpit Derewenta, et usque Lillacros,[16] et usque Scograineshoues,[17] et usque Sylehou,[18] et usque Lithebech,[19] et sicut Lithebech cadit in aquam de Esch,[20] et dimidiam[21] Esch in longum, et ultra Esch usque ad fontem Sanctæ Hildæ qui cadit in aquam de Esch, et inde in longum usque Horsecroft,[22] et usque Thordeisa,[23] et usque mare, et inde

1 M. Northmanby.
2 M. Haukesgarth.
3 M. Blawik.
4 M. Grenedik.
5 M. Swinstischathe.
6 M. Thornlay.
7 M. Thornelay.
8 M. Kirkelach.
9 M. Cockeldbrok.
10 M. Theofesdikes.
11 M. Staincrossegat.
12 written *Willam.*
13 M. Suthfeld.
14 M. Gretafeld.
15 M. Derwentam.
16 M. Lillacrosse.
17 M. Scogreineshoues.
18 M. Silhou.
19 M. Lithebek.
20 M. Eske.
21 M. dividit.
22 M. Horscroft.

23 M. Tordisa. The variations in this instance may have some significance. Thus it would appear that the Th was pronounced as T simply—as it is to this day by the few remaining speakers of the old dialect, as in "t'rone" for "throne," "Slae-tr'on" for "Sloe-thorn," etc.; and also that the second syllable in Tordisa, or Thordeisa, was long, a matter by no means without importance in any attempt to settle the derivation of the name. It may be further observed that most of these places and meres may still be clearly identified, many of them being still known by modern forms, but slightly altered by time and wear. Thus Blawick is Bleawyke (Ordnance Map, 1 in. xcv.

per marinam ad Wŷtebŷ. Omnes vero ecclesias, villas, terras, forestas, pasturas, nemora de feodo meo quæ infra metas istas sunt, dedi Deo et S. Petro et S. Hyldæ Abbatissæ de Wŷtebŷ, et Monachis ibid. Deo serv., pro salute animarum D'norum meorum regum Angliæ, et hær. eorum, et Hugone, Cestrensi Comite, et pro salute animæ meæ, et (9) omnium parentum meorum, et hær. meorum. Hujus rei testes sunt—Willelmus, Walterus, et Ricardus de Perci, fratres mei; Robertus de Brus, et tres de suis militibus, Rogerus de Rosel, Wydo de Lofthus, et Robertus Francais; Pichot de Perci; Fulco.[1] Et alii.

All the churches, vills, etc., within the aforesaid limits, the said Alan grants to Whitby.

XXIX. Thorfinus[2] de ecclesia de Crosseby.

Sciant omnes videntes et audientes has litt. quod ego, Thorfinus, et hæres meus dedimus ecclesiam de Crosseby

Thorphin de Alverstain, with

N.W.), Grenedik is Greendyke, Swinestischage is the Druidical Circle, Thornlay is Thirley (in Thirley Cotes), Kirkelac is Kirkless, Coppekeldbroc is lost, but the site is probably indicated by the name, as the highest source of the modern Lindhead brook, the "cilium" is strongly marked, and Theofesdikes remains as Thieves' Dikes. Staincrossegate was probably not very far from Prospect House, near Suffield village, which remains *in situ*. Greta head would, it is likely, be close to Mowthorp, and then the Derwent is reached. Following the course of the stream, we reach a point at its source scarcely a mile from Lilla Cross, whence the boundary of Whitby Liberty is easily traced to Silhoue, and although Scograineshoues are not found now, yet the line passes through a series of "houes" before it reaches Silhoue, and these probably are grouped together in these old boundary tracings as Scograineshoues. Once Lithebeck or the Mirk Esk is reached, there is no trouble in tracing out the rest of the meres which are named in the text.

[1] M. after Fulco, supplies "Dapifer, filius Reynfridi Prioris de Whiteby."

[2] The notice, in the Memorial, of this benefaction is: "Ex dono Torfini de Alverstain, filii Uctredi, filii Cospatric, ecclesiam de Crossebi Ravenswart cum ii. carucatis terræ et cxl. acris t'ræ in eadem villa;" a previous notice of donations by the same benefactor and his father, Uctred, at Cayton, being: "ex dono Uctredi filii Cospatric, ii. car' t'ræ in Kaitun;" and "ex dono Torfini de Alverstain filii præd. Uctredi ii bov. t'ræ in eadem villa." From the next charter (No. 30) it would appear that the present charter was granted while Alanus, the "hæres" mentioned in it, was under age, as also that at the date specified in it, the captivity of William King of Scotland (July 12, 1174), he had attained his majority. He must, therefore, have been born in 1153 or before, and allowing only twenty-one years for the age of his father at the time of his birth, and the same in the case of his grandfather Uchtred, we have the birth of the latter brought to the year

his heir Alan, grants to Whitby the church of Crossby Ravensworth, with two carucates of land.

Ravenswart, cum duabus carrucatis terræ, Ecclesiæ S. P. et S. Hyldæ de Wẏtebẏ et Monachis ibid. Deo serv., liberam et quietam ab omni servitio, in perp. elem., pro salvatione D'ni mei, Willelmi de Romar[io],[1] et uxoris suæ, et filiorum suorum, et filiarum suarum, et pro salvatione animarum nostrarum, et parentum meorum. Hujus donationis testes sunt hii—Osbertus Prior, et totus Conventus fratrum predictæ Ecclesiæ. Turstanus Presbiter. Ricardus Presbiter de Wẏtebẏ. W[illelmus] Presbiter, filius Edmundi Presbiteri; et alii.[2]

XXX. Confirmatio Alani filii Thorfini super eadem.

Alan, son of Torphin de Alverstain, confirms to Whitby the gifts and charters of his father and others, and undertakes he will no further harass the abbey touching his father's

Rogero,[3] D. G. Archiepiscopo Eboracensi et Apostolicæ Sedis legato, universoque Capitulo Sancti Petri Ebor., et omn. filiis Sanctæ Matris Ecclesiæ, Alanus, filius Torphini, salutem. Notum sit omn. vobis me concessisse et collaudasse universas cartas quas habent monachi de Wyteby super Ecclesia de Crosseby Ravenswart—scil., cartam patris mei, et c. Edelwoldi Episcopi Karliolensis, c. R[ogeri] Archiepiscopi Eboracensis, et c. Roberti[4] Archidiaconi Karliolensis. Et quia[5] donationem patris mei, Torphini de Alverstana, quam super præfata ecclesia de Crosseby libere fecit Deo et Monachis de Wyteby, dum ego infra annos essem, optime recognosco idcirco[6] præmemoratos

1111, or earlier. On this supposition Cospatric, Uchtred's father, would be the son of Cospatric Comes. On the calculation of 30 years to a generation, we can only suppose that our Cospatric was the Earl himself. It would be, however, almost certain that, as Cospatric the second Earl had a son Uchtred, the former calculation must be the one to be approved, were it not that the grantor speaks of having harassed the monks in the matter of the church in question, which of course compels the conclusion that he was now more than only just of age.

[1] In No. 261 Will. de Romario is named by Nigellus de Albini as "dominus suus et amicus." Dugdale says of him that in 1118 he was governor of the garrison of Newmarch in Normandy, but that in 1122 he was in rebellion, but was reconciled to the king two years afterwards. He founded the Abbey of Revesby in 1142.

[2] Many other witnesses' names are given in the Inspeximus given below [No. 313].

[3] Roger de Pont l'Evêque, 1154-1181.

[4] *Reberti.* Robert possessed the archdeaconry about 1160, and was witness, with the prior of the said church, to several deeds (Le Neve, iii. p. 248).

[5] ? *quoad.*

[6] *iccirco.*

monachos super illa ecclesia de Crosseby amplius a modo vexare volo nec debeo. Ego namque Alanus eandem ecclesiam de Crosseby, mense Septembris proximo post capturam Willelmi Regis Scotiæ,[1] Deo et S. Petro ac S. Hẏldæ, Monachisque de Wẏtebẏ, in puram et liberam elem. concessi et dedi, et illam solam et quietam de me et hær. meis, ad usum Monachorum Wytebyensis Ecclesiæ, Deo et S. Petro, super altare ejusdem loci, coram multis optuli. Ea propter, vos omnes, quotquot hæc estis audituri, pro vero scire volo, quod me et hær. meos ab omni advocatione, et donatione, atque reclamatione sæpedictæ ecclesiæ de Crosseby depono, nichilque in ea ecclesia a modo mihi vel hær. meis reclamo, præter orationes, et quæ de pura et libera elemosina competunt laico. Ut autem hæc rata permaneant, Ecclesiæ Wytebiensi[2] antedictam ecclesiam de Crosseby prænominatis Monachis (9b) hac mea carta confirmavi. Hiis[3] testibus. Johanne Presbitero. Magistro Roberto. Hamerico. Magistro[4] Petro; et aliis.

gift of Crossby Church, made while he was a minor; wherefore he grants and confirms the same in free alms, making gift thereof upon the altar of the Abbey Church, reserving nothing to himself in the said church but its prayers, and what, out of free alms, beseemed a layman.

XXXI. Confirmatio Thomæ de Hasting[5] super eadem.

Omnibus Christi fidelibus has literas vis. vel aud., Thomas de Hastinges, s. in Domino. Noverit universitas vestra me ratas et gratas habere omnes donationes et concessiones quas Thorphinus de Alverstain, et Alanus filius ejus, avus meus, fecerunt Deo et Eccl. S. Petri et S. Hẏldæ de Wẏtebẏ, et Monachis ibid. Deo serv., super ecclesiam de Crossebẏ Ravenswart[6] in Westmaria cum[7] ejus pertinentiis, et easdem

Thomas de Hastings confirms all the grants of Torphin de Alverstane and his son Alan.

[1] July 12, 1174. [2] *Wytebiensy.* [3] *His.*

[4] The reading here is doubtful. The word appears to be Mito, but probably is intended for Mr̃o.

[5] "A younger son of this ancient and noble family [Hastings] was Hugh de Hastings, who married Helen, the daughter and heir of Alan de Alvestan, son of Theophine de Alvestan of *Alvestan* (vulgo *Allerstan*) in *Pickering-lithe* in *Com. Ebor.*" (Dugdale's *Baron.* i. 579.) He died 9 Joh. (120$\frac{7}{8}$), leaving issue Thomas, his son and heir. (*Ib.*) This Thomas is of course the grantor of the present charter, and is the father of two sons, who are mentioned in several of the subsequent charters, namely, Thomas de Hastinges de Crosseby Ravensworth, described as "filius Tho. de Hastinges," and Nicholas de Alverstain. The latter is a principal in a matter specified in No. 320, which is dated in 1268. The present charter probably dates between 1220-1240.

[6] *Rauenswat.* [7] *et.*

donationes et concessiones hac præs. c. mea confirmasse, pro salute a. meæ et antecessorum meorum. Et ut hæc confirmatio mea firma et stabilis maneat, eam sig. mei munimine corroboravi. Hiis testibus Philippo de Hasting. Gilberto de Atona. Willelmo Buscel. Henrico et Alano de Hasting. Galfrido de Gedding; et aliis.

XXXII. ADHELWALDUS[1] EPISCOPUS CARLEOLENSIS SUPER EADEM.

Adelulf, Bishop of Carlisle, confirms to Whitby the church of Crossby Ravensworth in perpetual alms.

Adhelwaldus, D. G. Karleolensis Episcopus, Elÿæ Archidiacono[2] et Capitulo S. Mariæ, et omnibus parochianis suis, sal. et Dei benedictionem. Ad episcopalem spectat sollicitudinem terras et possessiones ecclesiasticas, et præcipue Religiosis domibus collatas, pastorali cura defendere et auctoritatis suæ pagina ad perpetuam stabilitatem roborare. Hac itaque consideratione, Monasterio S. Petri et S. Hyldæ de Wÿtebÿ et Monachis ibid. Deo serv., ecclesiam de Crossebÿ Ravenswart, cum omn. ad eam pertinentibus, salvo jure Karleolensis Ecclesiæ et episcopalibus consuetudinibus, in perp. elem. confirmamus. Hii sunt testes. Robertus, Decanus de Appelbi. Brichetrich, Presbiter de Sancto Laurentio. Heudo Presbiter de Kirkebi. Ivo Capellanus. Thorphinus de Morlundia.

XXXIII. CONFIRMATIO ROBERTI ARCHIDIACONI[3] SUPER EADEM.

Robert, Arch-deacon of Carlisle, declares that he has given canonical seisin of Crossby Ravensworth Church to Whitby.

Robertus, D. G. Karleolensis Archidiaconus, omnibus S. M. Ecclesiæ filiis, salutem. Sicut in uno corpore diversa membra diversa sibi vendicant officia, nec tamen aliqua diversitatem illam perturbat dissonantia, ita et in Ecclesia discreta quidem sunt graduum et dignitatum ministeria, omnia tamen ad universitatis pacem conservandam distributa. Unde et ego, qualiscumque Karleolensis Archidiaconus, ministerium meum honorificare desiderans, et Religiosorum quieti et paci invigilans,[4] denuntio me, præcepto domini Rogeri, Eboracensis Archiepiscopi, juste[5] et canonice saisiasse Abbatem de Wyteby et Monachos ibid. Deo serv. de ecclesia de Crossebÿ Ravens-

[1] Adelulf or Athelwold was consecrated by Archbishop Thurstan in York Cathedral, August 6, 1133, bishop of Carlisle: held the see till 1156.

[2] No Elyas, Archdeacon, is mentioned in Le Neve.

[3] See note 4 to No. 30. [4] *invigilians.* [5] *iuste.*

wart et omnibus pertinentiis ejus, secundum quod cartæ d'ni Rogeri Archiepiscopi Ebor. præd., et beatæ memoriæ Adelwoldi Episcopi nostri, atque Thorphini filii Uchetredi, quæ in generali Capitulo apud Karleolum lectæ sunt, concedunt atque confirmant. Hiis testibus. Waltero, Priore Karleolensi. Willelmo Decano. Radulpho Clerico de Burg. Willelmo filio Utradi. Rogero Brudos. W. . . . Clerico; immo universis Clericis qui in eodem Capitulo nobis assederunt et affuerunt.

XXXIV. Confirmatio Rogeri Archiepiscopi[1] super eadem.

Archbishop Roger

(10) Rogerus, D. G. Ebor. Archiep'us, omnibus S. M. Ecclesiæ filiis, salutem. Ad commissæ[2] nobis administrationis spectat sollicitudinem bona quæ Sanctæ Ecclesiæ in diocesi nostra juste collata noscuntur, et prædecessorum nostrorum seu suffraganeorum auctoritate confirmata, nostra quoque auctoritate roborare, ut Ecclesiæ quibus collata sunt perpetuo possint eadem[3] et quiete possidere. Hinc est quod nos Ecclesiæ de Wÿtebi confirmamus ecclesiam de Crosseby Ravenswart, cum omnibus pertinentiis suis, in perp. elem., sicut eandem ecclesiam in carta bonæ memoriæ fratris nostri Adelwoldi, Episcopi Karleol., inspeximus antedictæ Eccl. de Wÿtebÿ concessam et confirmatam. Hiis testibus. Bartholomeo Archidiacono.[4] Cutberto, Priore de Giseburnia.[5] Gregorio, Priore de Bridling-

confirms to Whitby the Church of Crossby Ravensworth.

[1] Roger de Pont l'Evêque. 1154-1181. [2] *comisse.*

[3] Probably *habere* is required here.

[4] Bartholomew was Archdeacon of Richmond at an early period, but the date of his appointment has not been ascertained. (Le Neve, iii. 130.)

[5] There is much uncertainty about this personage, as to the dates of his appointment and resignation. From a charter in the Gisburne Chartulary (Cleop. D. ii. f. 115^b), it appears that Cuthbert and Roald (or Radulphus), who succeeded him as Prior, were brothers. The same relationship is also stated in a charter on f. 194 of the same volume. Further, it may be advanced on the authority of a third charter (f. 250) that Cuthbert had resigned, and Radulf been appointed in his place, before 1181, inasmuch as, in that deed (a confirmation by Archbishop Roger, who died in 1181), Radulphus is recognised as being Prior. In No. 199 below, Cuthbert is named as being Prior during the archiepiscopate of Henry Murdac (1147-1153), and by Burton, his predecessor, Ranulf, is alleged to have been Prior in 114$\frac{?}{}$ (p. 355, note). His incumbency, according to these figures, must have lasted at least thirty years, and probably more.

tona.[1] Johanne filio Letoldi. Willelmo Capellano. Radulfo de Sancto Gregorio. Petro de Carkasin. R. . . . Elemosinario.

XXXV. Confirmatio Bernardi, Episcopi Carliolensis,[2] super eadem.

Bernard, Bishop of Carlisle, confirms to Whitby, "in proprios usus," the church of Crossby Ravensworth, on vacation by Odo the parson.

Omnibus S. M. Ecclesiæ filiis, Bernardus, D. G. Karleolensis Episcopus, Salutem. Noverit universitas vestra nos, divini amoris intuitu, dedisse et concessisse, et in usus proprios confirmasse Deo et Eccl. S. Petri et S. Hẏldæ de Wẏtebẏ, et Monachis[3] ibid. Deo serv. ecclesiam de Crossebẏ Ravenswart, cum omn. pert. suis, in p. et perp. elemosinam: ita quod post decessum, vel cessionem, vel status mutationem Odonis Personæ, liceat eisdem eandem eccl. intrare, et claves ejusdem

[1] "Occurs before 1181" (Burton). He is a witness to the confirmations by Archbishop Roger (Nos. 44 and 55), in the present volume.

[2] Appointed 1203-?1219. Le Neve (iii. 230) says, "Bernard, according to Godwin, succeeded Aldulf as Bishop of Carlisle, but neither the time of his accession nor that of his death is known. Godwin supposes that he died in 1186, as Hoveden states that when Henry II. was at Carlisle in that year, 'he caused one Paul of Leeds to be elected Bishop of Carlisle, who declined the dignity.' The late Mr. King (*Handbook of the Cathedrals*, p. 220) says Adelulf was bishop 1133-1156, and that, "after the death of Adelulf the succession of Bishops becomes very uncertain. A certain William is named as Bishop of Carlisle in 1174, and for some time the see was vacant, probably owing to its scanty endowment, until 1203, when Bernard, who had been Archbishop of Ragusa, was appointed to it. The year of his death is unknown. In 1219 Hugh, who had been Abbot of Beaulieu, was Bishop, who continued till 1223."

Le Neve, in a note, adds, "There is considerable doubt whether there ever was a Bishop called Bernard. The mistake seems to have arisen from the fact that Bernard, Archbishop of Slavonia, had a grant of the revenues from King John;" and in the text he says, "The See appears to have been vacant until the appointment of Hugh, Abbot of Beaulieu, as Bishop of Carlisle in 1218. But, during the long vacancy, King John granted the revenues of the See to the Archbishop of Slavonia in 1200, and in 1205 to Alexander de Lucy. The custody of the See was also granted to Aymery, Archdeacon of Durham, and afterwards, in the same year, to the Prior of Carlisle." But, from the documents now before us, there can but little doubt be left that there was a Bishop Bernard fulfilling episcopal duties. The date of the present deed, from the facts as to time connected with the witness who stands second in order (Symon, Dean of York), must be anterior to 1214.

[3] *monachiis.*

retinere, nullius personæ expectata, vel requisita, licentia; et omnes proventus ipsius ecclesiæ in usus proprios committere, assignata sustentatione centum solidorum de proventibus ipsius ecclesiæ vicario in eadem ministraturo, qui nobis et successoribus (10[b]) nostris, per Monachos presentatus nobis et successoribus nostris, de episcopalibus respondeat. His testibus. Symone, Decano Ebor.[1] Hamundo, Thesaurario Ebor.[2] Ricardo, Abbate de Seleby.[3] Roberto, Abbate Ebor.[4] Laurentio, Priore de Giseburnia.[5] Magistro R[adulpho] Hospitalensi de Ebor.[6] Magistro P. Albini.[7] Osberto, Decano Cliveland'. Alexandro, Decano de Ridala. Symone, Magistro monialium de Wykham.

XXXVI. Confirmatio Bernardi Episcopi Carliolensis in proprios usus.[8]

Omnibus S. M. Ecclesiæ filiis Bernardus D. G. Karleolensis Episcopus, salutem. Noverit universitas vestra quod cum

[1] Simon of Apulia, elected 1194, and in 1214 made Bishop of Exeter. (Le Neve, iii. 120.)

[2] Hamo was possessed of the office in 1204, also in 1215 and 1216. (Le Neve.)

[3] "Occurs 1194." (Mon. Ebor.)

[4] Robertus de Longo Campo, 1189-1239.

[5] "About 1211." (Mon. Ebor.) He was "quondam Prior" 1219-1223, and hence must have resigned his Priorate shortly after the date of the present document. He resigned the chapel of Hartlepool, assigned to him for his support as ex-prior, c. 1238. (*Archbishop Gray's Register*, *S. S.*, p. 81.)

[6] In the Inspeximus already quoted (No. 313), the name given is "Radulpho, Magistro Hospitalis Ebor."

[7] This witness, in the same document, is "Petro Albyn, tunc officiali Cleveland."

[8] Charlton's commentary on this document and its predecessor is as follows:—"In the year 1211 died Peter, Abbot of Whitby, and the kingdom of England being then under an interdict laid thereon by Pope Innocent III. on account of some disputes he had with King John about appointing Stephen Langton to be Archbishop of Canterbury, that king seized on our Abbey revenues, and sequestered all its possessions into his own hands, not suffering the Chapter to proceed to the election of a new Abbot. Furthermore, Odo, parson of Crosseby Ravensworth, being old, and in so bad a state of health that no hopes were left of his recovery, the monks of Whitby, apprehensive that after his death their right of nominating a successor to that church would be disturbed by the King, applied to Bernard, Bishop of

Odo Clericus, qui ecclesiam de Crosseby Ravenswart diutius tenuerat, in fata concessisset, D'nus Rex, ratione custodiæ Abbatiæ de Wýtebý, ad quam eadem ecclesia pertinere dinoscitur, Magistrum Ernaldum nobis præsentavit, mandans ut eundem Magistrum in eadem ecclesia institueremus, licet ipsi Monachi de Wýtebý, audita morte ejusdem Odonis Clerici, ad præsentiam nostram cum cartis et instrumentis suis accessissent, asserentes quod ipsa ecclesia eis a veris patronis fuerat concessa, et in perp. elem., a bonæ memoriæ Adelwoldo, predecessore nostro, eis confirmata, etiam per confirmationem venerabilis memoriæ Rogeri, Eboracensis Archiepiscopi, corroborata: in quam per Robertum, Archidiaconum Karleolensem, de mandato ejusdem Archiepiscopi, fuerant instituti, ad quem, tunc temporis vacante Sede Karleolensi, ecclesiarum spectabat institutio, sicut in cartis prædictorum, tam advocatorum quam Archiepiscopi Eboracensis, et Episcopi et Archidiaconi Karleolensium plenius perspeximus contineri. Verum perturbata lacrimabiliter Anglicanæ Ecclesiæ pace, propter discordiam inter Regnum et Sacerdotium pro facto Cantuarensi, et eisdem Monachis jus suum, prout debuerunt et voluerunt, prosequi non valentibus, utpote pastore carentibus, et in custodia D'ni Regis constitutis—Nos, domini Regis imperio, eundem Magistrum Ernaldum in ipsa Ecclesia duximus instituendum, salvo jure eorundem Monachorum post decessum ipsius Magistri Ernaldi, vel status ejus mutationem, cui tandem institutioni ad mandatum D'ni Regis consenserunt, ipsis tamen jus suum protestantibus, et appellantibus, atque supplicantibus, ne illum factum eis in posterum verteretur in juris sui præjudicium vel gravamen. Quibus præsentes litteras, ad eorum crebram supplicationem, in testimonium juris sui, et processus negotii

Carlisle, who, in the year 1212, granted them them the following charter," —that is, No. 35. "Odo did not long survive the granting of this charter; nay it seems to me highly probable that he had actually paid the debt of nature before the monks of Whitby applied for it. But, whatever expectations they might form to themselves therefrom, both the Bishop and monks were disappointed in their hopes, as will best appear from the following charter,"—that is, the present document. Allowing for the writer's characteristic intimacy with the details of Parson Odo's condition, and two or three other like matters, the explanation given is sufficiently to the point. The fact that the witnesses are the same in both documents is noteworthy.

decrevimus concedendas, tam illorum, quam omnium Virorum Religiosorum jura conservare cupientes. Hiis testibus. S[ymone], Decano (11) Eboracensi. R[icardo], Abbate de Seleby. R[oberto], Abbate de Ebor. L[aurentio], Priore de Giseburnia. Magistro Radulpho, Hospitalensi Ebor. Magistro P[etro] Albini. Osberto, Decano Cliveland'. Alexandro, Decano de Ridala. Symone, Magistro de Wycham.

XXXVII. Confirmatio Bernardi Episcopi Carleolensis in proprios usus.

Omnibus S. M. Ecclesiæ filiis, Bernardus, D. G. Karleolensis Episcopus, salutem. Noverit univ. vestra, nos divini amoris intuitu, dedisse et concessisse, et in usus proprios confirmasse, Deo et Eccl. S. Petri et S. Hȳldæ de Wȳtebȳ, et Monachis ibid. Deo serv., ecclesiam de Crosseby Ravenswart, cum omnibus pertinentiis suis, in p. et perp. elem.:—ita quod, post decessum, vel cessionem, vel status mutationem Magistri Ernaldi, liceat eisdem Monachis eandem ecclesiam intrare et claves ejusdem retinere, nullius personæ expectata, vel requisita licentia; et omnes proventus ipsius ecclesiæ in usus proprios convertere, assignata sustentatione centum solidorum de proventibus ipsius ecclesiæ Vicario in eadem ministraturo, qui nobis, vel successoribus nostris, per Monachos præsentatus nobis, et successoribus nostris, de episcopalibus respondeat. Hiis testibus. [The same as in the last two documents.]

XXXVIII. Confirmatio H[ugonis] Prioris Carliolensis.

Universis ad quos hoc præs. scr. perv., H[ugo] Prior Karleol. et totus ejusdem loci Conventus, sal. in Domino. Noverit univ. v. nos, communi assensu et voluntate Capituli nostri, concessisse, quantum ad nos pertinet, et præsentis scripti auctoritate confirmasse viris venerabilibus et in Christo karissimis, Monachis Ecclesiæ S. Petri et Hȳldæ de Wȳtebȳ, illam concessionem et confirmationem quam bonæ memoriæ venerabilis pater noster, Bernardus Karliol. Ep'us, eis contulit super ecclesia de Crosseby Ravenswart, in Karliol. diocesi, in proprios usus possidendam. Et ut prædicta rata sint, et illibata, illa præs. scripto et sigilli nostri appositione duximus munienda. Valeat universitas in Domino.

XXXIX. Confirmatio Hugonis[1] Episcopi Carliolensis.

Omnibus Christi fidelibus ad quos pr. scr. pervenerit, Hugo, D. G. Karleolensis Ep'us, salutem in Domino. Cum ad sollicitudinem pertineat episcopalem jura Religiosorum conservare illæsa, ac, ex pietatis officio, redintegrare confracta, (11[b]) ipsorum tenemur jura propensius confovere in quibus disciplina viget regularis, hospitalitatis gratia servatur. Hæc[2] propter, cum Magister Ernaldus de Auclind, qui eccl. de Crosseby Ravenswart, de donatione Johannis, illustris Regis Anglorum, ratione custodiæ Abbatiæ de Wẏtebẏ tenuerat, in fata concessisset, venerabilis vir Johannes, Abbas de Wẏtebẏ, cartam bonæ memoriæ E[delwoldi], prædecessoris nostri, et confirmationem felicis recordationis R[ogeri] Archiep'i Ebor. nobis exhibuit, qui eccl. prælibatam, cum omnibus pertinentiis suis, Monasterio S. Petri et S. Hyldæ de Wẏtebẏ, et Monachis ibid. serv., concedunt et confirmant; necnon et cartam Roberti, tunc temporis Archidiaconi, qui eos in corporalem possessionem induxerat eccl. memoratæ, humiliter supplicans et devote ut permitteremus eosdem eccl. prælibatam pacifice possidere, asserens,[3] quod, vacante Ecclesia de Wẏtebẏ, dictus Magister Ernaldus eccl. optinuerat memoratam:—Nos, igitur, attendentes ecclesiam de Crosseby Ravenswart ad Abbatem et Monachos de Wẏtebẏ pertinere pleno jure, ipsorum indempnitati paterno affectu præcaventes, ne eis vertatur in præjudicium quod eccl. præmemorata dicto Magistro Ernaldo fuerit concessa, et diutius possessa ab eodem, quod quidem in Ecclesiæ de Wẏtebẏ enormem videbatur redundare læsionem, possessionem ecclesiæ præmem., cum suis pertinentiis, de virorum discretorum consilio ac Capituli nostri assensu, redintegravimus, prædecessoris nostri inhærendo vestigiis, ipsam eccl., cum suis pert., in usus proprios eisdem concedentes, et, ne alicujus tergiversatione vel versutia, jus, quod habuerunt et habent in eccl. memorata Monachi prælibati, in dubium valeat de cetero devocari, præs. litteras, sigillo nostro munitas, eisdem concessimus, approbantes et confirmantes ut Monachi prælibati ec-

[1] **Hugh, formerly Abbot of Beaulieu, 1219-1223. He died at the Abbey of La Ferté, in Burgundy.** [2] *Ec.* [3] *asserans.*

clesiam mem. teneant et possideant in usus proprios, cum omn. pert. suis, perpetuis temporibus; salvo nobis et succ. nostris jure episcopali in omnibus. Hiis testibus. D'no Bartholomeo, Priore Karleol.[1] D'no Suffredo, Priore de Wederhala.[2] Laurentio,[3] quondam Priore de Giseburnia. J[ohanne][4] Sacrista de Gisburnia. Magistro Ada, Officiali.[5] A. . . . Decano Karliolensi. A. . . . , Persona de Stratford. A. . . . et S. . . . , Canonicis de Wartre. R. . . . Vicario[6] de Bridekirke; et multis aliis.

XL. Hugo, Episcopus Carliolensis, super Ecclesia de Crosseby in proprios usus.

Omnibus Christi fidelibus ad quos præs. scr. pervenerit, Hugo, D. G. Karleol. (12) Ep'us sal., in Domino. Noverit universitas v. nos, divinæ caritatis intuitu, de consensu et assensu Capituli nostri, conc. et hac pr. c. conf. Deo et S. Petro et S. Hÿldæ de Wÿtebÿ, et Monachis ibid. Deo serv., ecclesiam de Crosseby Ravenswart in Westmaria, in proprios usus perpetuis temporibus possidendam, cum omnibus pertinentiis suis, ac D'num Johannem, tunc temporis Abbatem, solempniter Personam instituisse in eadem: ita tamen ut ministrum idoneum poneret[7] in eadem, qui de proventibus ipsius ecclesiæ honestam et congruentem habeat sustentationem—videl. centum solidorum per annum, et per manum Abbatis et Conventus de Wÿtebÿ qui nobis et succ. nostris de spiritualibus valeat respondere. Hiis testibus. [As in last deed.]

XLI. Bartholomeus Prior super Ecclesia de Crosseby.

Omnibus Christi fidel. ad quos pr. scr. pervenerit, Bartholomeus Prior et Capitulum Canonicorum Karleol., s. in Domino.

[1] Grants Charter of Confirmation, No. 41.

[2] "Prior de Wederaul" in No. 313. "Few of the names of the Priors have been preserved" (Dugd., iii. 581), and Suffred is not among the number noted in the *Monasticon*.

[3] See note 5 to No. 35.

[4] The name is supplied from No. 313.

[5] Institutes, in No. 42, John, Abbot of Whitby, to the Church of Crossby Ravensworth.

[6] *Wicario.*

[7] *ponat.*

Noveritis nos ratas et gratas habere, quantum ad nos pertinet, donationes, concessiones, et confirmationes factas dilectis amicis nostris, Abbati et Conv. de Wÿtebÿ a venerabilibus patribus nostris Edelwaldo, Hugone, Karleol. Ep'is, et redintegrationem factam prædicto Abbati et Conventui ab eodem venerabili patre nostro Hugone, Karleol. Episcopo, super ecclesia de Crossebÿ Ravenswart in Westmaria et ejus pertinentiis, in usus proprios, perpetuis temporibus possidenda, prout in eorundem Episcoporum autenticis continetur. Et in hujus rei testimonium præs. scr. corroboravimus sigillo Capituli nostri.

XLII. Institutio Adæ, Officialis Hugonis Episcopi Carliolensis, in Ecclesiam de Crosseby.

Omnibus Christi fidel. Magister Adam, Officialis Karleol., Salutem. Noverit universitas vestra me de mandato D'ni mei, Hugonis, D. G. Karleol. E'pi, induxisse D'num Johannem, Abbatem de Wÿtebÿ in corporalem possessionem ecclesiæ de Crosseby Ravenswart, viii° kalendas Decembris, ipsumque Abbatem pro possessione sua ac jure ecclesiæ memoratæ appellasse. Et in hujus rei test. præs. litteris sigillum meum apposui. Coram hiis testibus. D'no Laurentio, quondam Priore Giseburn. D'no A . . ., Decano Westmarie. A . . . de Stratfortd et T . . . de Morlund, fratribus; et multis aliis.

XLIII. Robertus de Percy super Ecclesia de Quenersuttona. [M. 115.]

Robert de Perci (son of Pichot de Perci), with consent of his heir, grants to Whitby the church of Quener Sutton, and confirms the same.

Universis S. Ecclesiæ filiis, has litteras videntibus vel audientibus, Robertus de Perci (12^b) in Christo salutem. Quum quod ex bonæ devotionis procedit exordio circa finem exhibendum est in opere, vobis significare dignum[1] duxi me, Robertum de Perci, præsente hærede meo, et ipso libere annuente, dedisse et concessisse in perp. elem. S. Petro et S. Hyldæ de Wÿtebÿ,[2] fratribusque ibid. Deo serv., ecclesiam de Quenresuttun,[3] cum omnibus suis adjacentibus: et quam dedi, ne quorundam successorum meorum violetur præsumptione, præs. carta mea

[1] *digum.* [2] M. Whiteby. [3] M. Quenresuttona.

confirmo. Valete.[1] Testes.[2] Haschatinus, Prior Sancti Oswaldi et canonici sui, Thomas et Nicholas.[3] Rogerus, Clericus[4] Comitis Johannis de Norhamton. Willielmus de Bedaforum.[5] Raduphus Presbiter.[6] Vivien Presbiter.[7] R[obertus], Presbiter de Lidum.[8] Galfridus, Presbiter de Sneton. Willelmus Presbiter de Lidum. Ra[dulphus],[9] Presbiter de Dun[esleia]. Ricardus, Presbiter de Haug[esgard].[10] Willielmus Caper'. Robertus de Clara. Malgrim de Besingby. Stephanus Ram-[chel][11] de Sneton. Ivo de Hug[elbardebi]. Willelmus de Hausgard et Roger [de] Normanneby. Adam. Richerus filius Blacher. Thomas, frater Prioris. Ricardus de Lundon'.[12] Rand', filius Cole. Bal[d]winus filius Blacher.

XLIV. De Ecclesiis de Scirpinbek, Quenersuttona, de Slengesby[13] et de Bernestona.

R[ogerus] D. G. Ebor. Archiep'us, Apostolicæ Sedis Legatus, omn. S. Ecclesiæ filiis, salutem. Ad episcopalem spectat sollicitudinem terras et possessiones ecclesiasticas, et præcipue Religiosis domibus collatas, pastorali cura defendere auctoritatis[que] suæ pagina ad perpetuam stabilitatem roborare. Hac itaque consideratione Monasterio de Wẏtebẏ, et Monachis ibid. Deo serv., ecclesiam de Scherpingbec, cum pertinentiis suis; et eccl. de Quenersuttona, cum pertinentiis suis; et eccl. de Slengesbi, cum pertinentiis suis; et eccl. de Bernestona, cum pertinentiis suis, salvo jure Eboracensis Ecclesiæ, et episcopalibus consuetudinibus, in perp. elem. confirmamus. Hiis

[1] *Valeat.* [2] M. Testibus. Rogero Clerico et aliis.

[3] I think there can be no doubt that these two names are those of the Canonici of Prior Aschatine.

[4] Clerici. But from the entry in M. above noted, there can be little hesitation in reading "Clericus." [5] M. Bedafox.

[6] This is probably Rad. Presbiter de Wyteby, Nos. 26, 67, and 363. See also Nos. 65 and 66.

[7] Probably Vivian Presb. de Ugelbardeby of No. 67.

[8] Probably Rob. Clericus de Lithe in No. 363.

[9] Raõ. [10] *Haug.*

[11] Ram'. Probably Ramkil or Ravenkil. See No. 131.

[12] Ricardus Lundoniensis in No. 208.

[13] Lengesby.

testibus. Clemente,[1] Abbate de Ebor. Gregorio,[2] Priore de Bridlingtona. Johanne Archidiacono.[3] Willelmo Capellano, et Magistro Swano.

XLV. Willelmus de Percy[4] de Ecclesia de Semara. [M. 109b.]

W. de Perci (fil. Alani) grants to Whitby the church of Semar, save that Richard, his chaplain, retains his interest therein for his life.

Notum sit omnibus S. M. Ecclesiæ filiis, tam præs. quam fut., quod ego, Willelmus de Perci, pro salute a. meæ, et pro a. patris mei, et parentum meorum, donavi et præs. c. confirmo Deo et S. Petro et S. Hÿldæ de Wyteby, Monachisque usque in finem sæculi ibid. Deo serv., in lib. et perp. elem., ecclesiam de Samara,[5] cum omnibus suis pertinentiis, salva tenura Ricardi capellani mei quamdiu vixerit et in habitu seculari fuerit. Hujus donationis meæ testes sunt[6] Hellardus,[7] Canonicus de Beverlaco; Radulphus, Capellanus de Wÿtebÿ; Johannes de Silli,[8] Vicarius S. Petri, Ebor.; Henricus de Perci, frater meus; et multi alii.

XLVI. Confirmatio Ecclesiarum de Semara, de Hatona, de Kirkeby et Engelby. [M. 109b.]

Archbishop Roger confirms to Whitby the churches of Aton, in Cleveland, with its chapels (Newton and Little Ayton), Semar,

Rogerus, D. G. Eboracensis Archiep'us. R[oberto] Decano[9] et Capitulo S. Petri, et omn. parrochianis suis, salutem et Dei benedictionem. Ad episcopalem spectat sollicitudinem terras et possessiones ecclesiasticas, et præcipue religiosis domibus (13) collatas, etc., . . . roborare. Hac itaque consideratione, Monasterio de Wÿtebÿ et Monachis ibid. Deo serv., eccl. de Atona, cum capellis et omnibus ad eam pertinentibus; et eccl. de

[1] Written *E* . . . Clement was Abbot of York 1161-1184.

[2] See notes to No. 34.

[3] No Archdeacon John is named in Le Neve. He, with the two preceding witnesses, also attests No. 55.

[4] Son of Alan de Percy, and grandson of William the founder. See above, No. 1 (p. 4), in connection with this charter, "Ex dono Will. de Perci, filii Alani de Perci, Advocati nostri, eccl. Semara." See also No. 218, in which he is named by his daughter Agnes, and which is her confirmation of this grant.

[5] M. Semer. [6] M. Hiis testibus. [7] M. Gilewardus.

[8] This witness and Henr. de Percy omitted in M.

[9] Robert Botivelein. Ob. 1187.

Samara cum pertinentiis suis; et eccl. de Kirkabi[1] cum pertinentiis suis; et eccl. de Hengelbẏ[2] cum pertinentiis suis, salvo jure Ebor. Eccl. et episcopal. consuetudinibus, in perp. elem. confirmamus. Terram quoque de Westcroft cum heremitorio, ex dono Alani Buscel,[3] et duas carucatas terræ in Neuethon[4] in Waldo, ex dono Walteri de Perci;[5] et duas bovatas t'ræ in Uplithum;[6] et Sutfieling, quam Robertus filius Willelmi coram me abjurasse confessus est,[7] et liberam de se et de hær. suis Ecclesiæ de Wẏtebẏ reddidisse; eadem auctoritate Ecclesiæ supradictæ confirmamus. Hii sunt testes. Osbertus Archidiaconus.[8] Osbertus Arrundel.[9] Johannes filius Letho[l]di. Turt Dapifer Archie'pi; et multi alii.

Kirkby in Cleveland, Ingleby, (Greenhow); land and hermitage at Westcroft, near Hutton Buscel; at Newton on the Wold, at Upleatham; and vill of South Fyling.

[1] M. Kirkeby.

[2] M. Neuton'.

[3] See No. 1, p. 4.

[4] See No. 1, p. 4. This is Newton on the Wold, or Wold Newton in Lincolnshire, "in the northern division of the county, parts of Lindsey," not far from Caistor. In No. 207, Walter de Percy states that these two carucates were given him by his mother "de matrimonio suo." His mother was Emma de Gant, daughter of Gilbert de Gant, by Alice, daughter of Hugh de Montfort, and no doubt brought a considerable dower to her husband out of the vast Lincolnshire possessions of her father. In No. 210, William de Percy, heir of Alan de Percy, and the above-named Walter's elder brother, confirms the gift of these two carucates by Walter. Charlton tacitly assumes the Newton here named to be the Yorkshire place called Wold Newton.

[5] Walter de Percy de Rugemond, described as "frater meus" by Will. de Perci, filius Alani, in No. 26. See also No. 1, p. 4.

[6] These two bovates were of the gift of Robert de Argentom. See No. 1, p. 7, and No. 26.

[7] See No. 49, and again No. 234, in both of which documents Rob. filius Will. de Aicheton (or Echetun or Ayketon, etc.) quitclaims and abjures South Fyling to the Abbey, and in the latter of which, the special object of which is the said quitclaim and abjuration, it is stated that Abbot Richard, at Robert fitzWilliam's special petition, then and there before the altar solemnly excommunicated all and every who might seek to alienate the property thus abjured and quitclaimed to Whitby. But the presence of the Archbishop is not noted in either of these deeds.

[8] Osbert de Baines was Archdeacon of York in 1140 and 1154, which makes it nearly, or perhaps quite, certain that the Abbot Richard named in No. 234 (and preceding note) is Abbot Richard I., who died in 1175.

[9] A contemporary, and probably a brother, and if so, a younger brother, of Reginald Arundel de Sneton, named in No. 102.

XLVII. Hugo Malet de Rowella.[1] [M. f. 123.]

Hugo Malet grants to Whitby all his domain in Rothwell, specially two bovates formerly held of him for 3s. a year, with the pasturage appertaining, and private chapel, and all tithes of said lordship, after decease of the chaplain; also grants the toft at the gate of the demesne; also the "boons" he used to have, both of ploughs and reapers out of Croxeby.

Notum sit omn. videntibus vel audientibus has litteras, quod ego, Hugo Malet, conc. et dedi Deo et Eccl. S. Petri et S. Hẏldæ de Wẏtebẏ, Monachisque ibid. Deo serv., totum dominium meum in Rouuelle;[2] et nominatim illas duas bov. t'ræ quas, antequam hæc carta fuisset facta, de me tenuerunt pro tribus solidis per annum; cum pastura pertinente ad idem dominium, et cum capella infra curiam, cum omnibus decimis ejusdem dominii post obitum Gaufridi capellani Reg[is], in perp. elem. liberam et quietam ab omni consuetudine sæculari, et forensi servitio, pro a. mea., et conjugis meæ, et pro patris et matris meæ, sicut pater meus Ivo[3] Malet melius et plenius tenuit. Præterea dedi eidem Ecclesiæ de Wẏtebẏ illam thoftam quæ est ante januam ejusdem dominii, cujus thoftæ partem Viel[4] tenuit de matre mea Margareta. Cum his autem omnibus concedo præd. Monachis, et hac carta mea confirmo precationes meas quas ego soleo habere annuatim de Croxebẏ, tam de carucis quam de messoribus. Sed et hæres meus, Radulfus, hæc omnia similiter mecum concessit prænominatæ Ecclesiæ in elemosinam, liberam ab omni exactione et servitio. Hiis testibus. Radulfo Sacrista. Nicolao Diacono.[5] Gervasio Clerico. Benedicto, Clerico de Wẏcham. Roberto Clerico. Reginaldo Clerico. Odo[ne] de Neuhus.[6] Arnoldo filio Benc'. Waltero filio . . . , [et] multis [aliis].

XLVIII. (13^b.) Confirmatio Roberti Episcopi Lin[c]olniensis[7] de dominio de Rowalla.

Robertus D. G. Lincollniensis E'pus omnibus fidelibus S.

[1] This, as becomes apparent on noting the next deed (No. 48), is the Lincolnshire Rothwell, and not, as Charlton, p. 71, note, asserts, "Rothwell, near Pontefract, in the West Riding." It is near Caistor, in North Lincolnshire, Lindsey district, and hundred of Bradley Haverstoe.

[2] M. Rowella. [3] M. Yvo. [4] M. Wyd.

[5] No other witnesses specified in M. after Nicholao Diacono.

[6] *Neuhiis.*

[7] Robertus Bloett consecr. 5 Will. Rufus (1092), obiit 10 Jan. 23 Henr. I. (1123). Robertus Chisvey consecr. mense Septembris 12 Steph. (1147), obiit 14 Henr. II. (1168). [*Liber Episcoporum*, ff. 291, 293.] (MS. note to A.)

Matris filiis, salutem. Hugonem[1] Malet in præsentia nostra, Deo et S. Petro Apostolo, Sanctæque Hildæ de Wẏtebẏ, ejusdemque loci fratribus totum dominium suum de Rowella, cum decimis omnibus dominii, in perp. dedisse elem., testamur; ita, tamen, quod Galdred[2] Capellanus,[3] Lincoll. Canonicus, omnes decimas dominii Rowell omni tempore vitæ suæ libere possidendo recipiat: Galdred[4] rebus humanis exempto, Monasterium de Wẏtebẏ decimas omnes dominii Rowell' perpetue et quiete possidebit, cum cimiterio et capella, in dominio suo. Et sciendum est quod Hugo Malet in manu sua omnes villas et eorum tenura[m] retinuit. Hanc donationem, ut supradictum est, in præsentia nostra factam, confirmamus, et sigilli nostri testimonio corroboramus.

XLIX. Quieta-clamatio Roberti de Ayketon[5] de Sudfilinga. [M. f. 79b.]

Notum sit omn. S. Matris Ecclesiæ filiis, tam præs. quam fut., quod ego, Robertus filius Willelmi de Aichetona, pro salute animæ meæ et pro a. patris mei, et parentum meorum, donavi et præs. c. confirmo Deo et S. Petro et S. Hẏldæ de Wẏtebẏ, Monachisque usque in finem sæculi ibid. Deo serv.,[6] in lib. et perp. elem., ecclesiam de Saxeby[7] cum omnibus suis

Robert de Aykton grants and confirms to Whitby the Church of Saxeby,

[1] Written *huoðno*, with a faint tail to the first *o* inserted by a later hand.

[2] M. Galfridus. [3] Omitted in M. [4] M. Galfrido.

[5] As noticed already under No. 46, this charter dates between 1177 and 1181, and consequently the Abbot Richard mentioned in it is Richard II. (de Waterville).

[6] *Servientibus* is repeated, and without erasure. It is not probable that one of the two was intended to be *servituris*, though the sense requires it, for the reading is the same in both A and M.

[7] There is some measure of uncertainty about this locality. Young, p. 375, making an hypothesis, which is not only unsupported, but contrary to fact—namely, that the name Fleinesburg in No. 25 (see Introductory Chapters) may be read Flemesburg, for the fact is that the *i* is plainly dotted, as are the other *i*'s in the document—says, but on what ground I know not, "there is reason to believe that this Flemesburg was not Flambrough, but some place of the same name near Whitby, and as Fyling was possessed by Tancred the *Fleming*, it is extremely probable that it was sometimes called *Flemesburg*. . . . Nor is it unlikely that it might also be the same with the church of Saxeby, which was in Fyling." This is surely a very

pertinentiis; unde testes sunt, Radulfus Sacrista. Eadmundus Sacrista, et Ricardus, filius ejus, Sacrista. Willelmus Presbiter de Hoth'. Rogerus Sacrista et vicarius de Wÿtebÿ Abbatis. Reddidi etiam super altare de Wÿtebÿ, et quietam clamavi Deo et S. P. et S. Hyldæ et Monachis de me et de meis hær. inperpetuum, in lib. et solidam et quietam elem., villam de Figelinge, cum omnibus pertinentiis suis; et juravi nec me nec aliquem per me aliquod rectum in ea[1] amplius reclamare: et Abbas Ricardus excommunicavit, et perpetuo anathemate da[m]navit omnes, cujuscunque ordinis vel conditionis, qui illam a dominica mensa Ecclesiæ alienaverint, vel qui Ecclesiam de Wÿtebÿ inde injuste vexaverint, cunctis, tam monachis quam clericis et laicis, qui astabant, respondentibus —Amen. Quod viderunt et audierunt et testes sunt Rogerus

also restores and quitclaims to the Abbey the vill of Fyling, swearing never to reclaim it, with the Abbot's excommunication added against any one attempting alienation.

"baseless fabric" indeed. Charlton (p. 135) says—"As for the Church of Saxeby, mentioned in the foregoing charter, . . . I am made to conclude that we are to look for Saxeby in South Fyling; and what confirms me in this opinion is, the foundation of a church or chapel having only a few years ago been dug up there on the demesne lands of Sir Charles Hotham, Bart., situate in a field or garth called the Chapel-garth . . . which I am pretty confident is the very place given to Whitby Abbey in the above charter." Young (p. 376, note) commenting on this, writes—"Charlton's idea that Saxeby was in South Fyling, where there was a field called *Chapel-garth* on the Hotham estates, is by no means improbable, only we must suppose, in that case, that Saxeby Church was suppressed by our monks, being never otherwise mentioned. Still I am more inclined to reckon this church, as well as Flemesburg, the same with Fyling." No lengthy comments are required in connection with these remarks. There is no uncertainty as to the place where Saxeby is to be looked for. The rubricated heading of the present charter, by its explicit notification, "de Sudfilinga," settles that question at once. Saxeby is in South Fyling or nowhere, and if it were otherwise, Fleinesburg cannot be tortured into Flemesburg. That Charlton's supposition as to the site of Saxeby Church or Chapel is well founded is nearly certain. The position, the foundations, and the name of the site all lend confirmation to it, and it may further be noted that the site is hard by Kirk Moorgate, and that Kirk Moor comes close up to the enclosure named Chapelgarth. (O. Map, No. 46, six-inch scale.) The idea of "suppression," started and repeated by Young, is gratuitous. Probably twenty or thirty chapels in Cleveland have disappeared precisely in the same way as Saxeby Chapel has, some of which have had a very distinct history, but none of which now have more memorial than the names of their sites, Chapel Field, Chapel Garth, Chapel Hill, and so forth.

[1] *mea.*

Sacrista et Vicarius Wẏtebẏ. Gaufridus Sacrista de Sneatona; et Radulfus Sacrista. Osbertus Arundel.

L. Micahel Norays de Scirpenbec. [M. 112b.]

Universis S. M. Eccl. filiis tam pr. quam fut., Michael Norensis[1] de Schirpenbec[2] salutem. Noverit univ. vestra me, pro s. a. meæ et antecess. meorum, conc. et ded., et hac pr. c. mea conf., Deo et S. Hildæ et Conv. de Wẏtebẏ liberum exitum (14) et introitum sibi et suis in terra mea; scil. in parvo marisco versus aquilonem, juxta terram ecclesiæ de Schirpenbec[3] versus viam quæ extendit[4] ad aquam, et de illa via usque ad aquam de Schirpenbec,[3] in lib. et p. et perp. elemosinam. Ego vero et hær. mei warantizabimus præd. exitum Deo et S. H. et Conv. de Wẏtebẏ contra o. h. in perpetuum. Hiis testibus. Waltero de Canci. Roberto Murdac. Rogero de Canci. Waltero de Cattona.

Michael Norris de Skirpenbek grants to Whitby free exit and ingress through his land near the church lands of Skirpenbeck.

LI. Adam de Molendino de Enge[l]by. [M. 19.]

Notum sit omn. S. Eccl. filiis, quod ego, Adam de Aengelbi,[5] dedi et conc. Ecclesiæ S. Petri et S. Hyldæ de Wẏtebẏ, et Monachis ibid. Deo serv., pro s. a. meæ, molendinum de Aengelbẏ[5] liberum et solidum et quietum ab omni serv. et ab omni exactione, cum omn. consuetudinibus et libertatibus quas habuit de terra mea, omnibus diebus vitæ meæ—Scil. quod homines terræ meæ reficient stangnum et domum et adducent[6] ad illud mairemi[u]m[7] et petras molendinas,[8] sicut fecerunt in tempore meo; quod concesserunt hæredes mei[9] duæ, scil. filiæ meæ Sicilia et Wẏmarc, cum maritis suis, Elzi et Radulfo; tali conditione quod de proprio victu suo non dabunt multuram quamdiu homines eorum cum cæteris hominibus ejusdem tenuræ stangnum et domum fecerint, et mairemi[u]m et petras molarias adduxerint, nec aliud molendinum super illud facere attemptaverint. Hoc igitur molendinum dedi Ecclesiæ de Wẏtebẏ in perp. elemosinam. Cujus rei testes[10] sunt Willelmus de

Adam de Ingleby grants to Whitby Ingleby Mill, also that the men of his land shall repair the dam, bring materials and mill-stones as in his own time; his two daughters, with their husbands, uniting in the grant, on condition of paying no multure as long as the above terms are complied with.

[1] *Norcensis.* M. Norensis. [2] M. Scyrpinbec. [3] M. Scirpenbek.
[4] M. tendit. [5] M. Ingelby. [6] *et* inserted here.
[7] M. mairemum. [8] *molendanas.* [9] ita.
[10] M. testimonium.

Stocsle.[1] Daniel de Kirkabý. Willelmus, fil. Danielis. Elzi et Radulfus, generi[2] mei. Hernant[3] de Stockase;[4] et multi alii.

LII. Confirmatio Wydonis de Baliolo.

Guido de Baliol confirms to Whitby Ingleby Mill, as given by Adam de Ingleby.

G[uido][5] de Balliolo omnibus S. Eccl. filiis, per universum mundum in unitate fidei dispersis, salutem. Sciatis omnes me concessisse in perp. et puram elem., cartaque mea roborasse, Deo et S. Petro, Sanctæque Hildæ, pro anima mea, et pro animabus patris mei et matris meæ, maxime vero pro animabus antecessorum meorum, præteritorum et futurorum, molendinum de Engelbý, quod Adam in vita sua dedit, tam libere et quiete,

[1] No other witnesses in M. [2] *genesi.*

[3] Not certain whether Hernant or Hernaut.

[4] A name of doubtful form.

[5] The large capital at the head of this deed, in red, is R. A smaller capital, G., is inserted close after it. The heading leaves no doubt of what the letter should be. As to the identity of the person intended, it would seem difficult, and perhaps unnecessary, to identify him with the Guy de Baliol named by Dugdale, and of whom he says that, "in the reign of William Rufus, he was enfeoffed by that King in the barony of Biwell in Northumberland," adding further—and by such addition bringing him into local connection with the place named in the charter—that he "gave to the Abbey of S. Mary at York the church of Stokesley and one carucate of land." After another sentence or two, describing other donations to S. Mary's, Dugdale proceeds, "the next was Bernard Baliol, son of Guy, who, in 3 Stephen, upon that great invasion by the Scots, met at Thresk, through the instance of Thurstan, Archbishop of York, with other of the Northern barons, etc." Now the next charter (No. 53) is granted by Bernard de Baliol, but it will be observed that he speaks of Guido de Baliol—doubtless the Guido of the present charter—as his brother, and not as his father. Hence, as Bernard de Baliol is in 1138 the important man Dugdale's notice proves him to be, and as the Guy de Baliol of this charter was his brother, it would appear to be a safe, if not a necessary, inference that the Guy de Baliol of William Rufus's time had a son Guy as well as a son Bernard, and elder than Bernard, but that he died early and without heir, leaving his inheritance to his brother Bernard, were it not that in No. 353 a Guido de Balliol appears at the head of the witnesses to a charter by this same Bernard de Balliol. Guido therefore must either have been the younger brother, subinfeuded to Bernard, or have ceded his rights. A further necessary inference is as to the date of the gift by Adam filius Viel or Vitalis, noted in charters 51-54, as well as in others: it must have been before 1138. Dugdale quotes Bernard as still serving valiantly in arms in 20 Henr. II. (117¾), as giving certain lands to the Knights Templars, with the consent of his son Ingelram, and as

sicut melius tenuit præf. Adam in diebus suis; cum tota multura et tota operatura quæ illi molendino pertinet. Testibus istis. Willelmo de Stocheslea. Aelwino de Rontona. Rainero Clerico. Ailmaro de Castello. Roberto,[1] et aliis.

LIII. Confirmatio Bernardi[2] de Baliolo de Ecclesia de Kyrkeby et Molendino de Engelby.

Omnibus filiis S. M. Eccl. tam præs. quam fut., Bernardus Balillol salutem. Sciatis me, pro amore Dei et pro s. animarum patris mei et matris meæ, fratrisque (14b) mei Wydonis, et sororis meæ[3] Hawis, et omn. parentum meorum, concessisse, et hac mea carta conf. Eccl. S. Petri Sanctæque Hildæ de Wẏtebẏ, Monachisque ibid. Deo serv., eccl. de Engelbi, et eccl. de Kirkebẏ, cum pertinentiis suis omnibus, et molendinum unum, cum multura sua, in Engelbẏ, in lib. et quietam elem., sicut Adam, filius Vitalis, præd. Ecclesiæ dedit. His testibus. Ricardo de Wodeham, Clerico. Gerrardo Diacono. Waltero Pec. Gocelino de Helmcurt. Baldewino de Bars; et aliis.

Bernard de Baliol, for the souls of his father, brother Guido, and sister Hawise, confirms to Whitby the churches of Ingleby and Kirkby in Cleveland, and Ingleby Mill.

LIV. Confirmatio Hugonis de Baliolo de Ecclesiis de Kyrkeby et Engelby. [M. 18b.]

Universis S. M. Eccl. filiis, præs. et futuris, ad[4] quos pr. scr. pervenerit, Hugo de Baliolo salutem.[4] Noverit univ. vestra me conc., et hac pr. c. m. conf., Petro Abbati, et Conv. de

Hugo de Baliol confirms to Abbot Peter and the Convent

succeeded by his son Eustace, who in 2 Rich. I. (119$\frac{0}{1}$), gave £100 for license to marry the widow of Robert Fitz Piers, and fifty marks to have livery of the lordship of Mere. According to the same authority, Eustace was succeeded by his son Hugh, heard of in 1212, 1216, and 1217, and who is certainly the Hugo de Baliol of No. 54, which dates between 1190 and 1211.

[1] A duplicate of this charter is given in A. on f. 118, with no variation except that more witnesses are given. The Roberto of the text becomes Rob. de Roxca, and after him these are added:—"Algario Janitore. Ranulpho de Exseby. Salle." (*Sic*, save that there is no stop between Exseby and Salle.) "Johanne de Midelsburgh'. Michaele, qui hanc cartam composuit."

[2] See note to preceding charter. See also No. 353, which differs from this in not referring to his brother Guido and sister Hawise as deceased, and in having the former of them as a witness to his deed.

[3] *me.*

[4] Both these words are omitted originally in A, and are supplied in a later hand and with very pale ink.

the churches of Ingleby and Kirkby in Cleveland,

Wẏtebẏ, et succ. suis, pro animabus omnium antecessorum meorum, ecclesias de Kirkebẏ et de Engelbẏ,[1] cum omn. pert. suis et libertatibus, in p. et perp. elem., jure perpetuo possidendas, adeo libere et quiete ut aliquis laicus aliquas ecclesias aliquibus viris Religiosis conferre potest; et molendinum de

and Ingleby Mill.

Engelbẏ,[1] habendum et possidendum, cum omnibus libertatibus et pertinentiis suis, sicut Adam de Engelbẏ[1] præd. molendinum eisdem monachis dedit et carta sua confirmavit. His testibus. D'no Laurentio,[2] Priore de Giseburnia. Hugone de Hot[ona]. Nicholao de Atuna. Hugone de Bailliolo.[3]

LV. Confirmatio Rogeri Archiepiscopi.[4] [M. 151[b].]

Archb'p Roger of York confirms to Whitby

Rogerus, D. G. Ebor. Archie'pus, R[oberto][5] Decano, et Capitulo S. Petri, et omnibus parochianis suis, sal. et Dei benedictionem. Ad episcopalem spectat sollicitudinem terras et possessiones ecclesiasticas, et præcipue religiosis domibus collatas, pastorali cura defendere, et auctoritatis suæ pagina ad perpetuam stabilitatem roborare. Hac itaque consideratione

1 M. Ingelby.

2 See note to No. 35.

3 These two last witnesses omitted in M.

4 This confirmation is word for word the same as in No. 269. The convention referred to in this document is found in No. 205, and as Abbot Richard is named as the Abbot of Whitby with whom the settlement involved was made, and there were two successive Abbots of that name, viz. Ric. de Burgh (114$\frac{8}{9}$-1175) and Ric. de Waterville (117$\frac{5}{6}$-c. 1185 (?)), it is not at first sight apparent which of the two was the contracting party in this case. Probably, however, the mention of Reiner, Clericus of the church of Ingleby, as still living, leads to the inference that the Abbot Richard in question is the former of the two so named, inasmuch as the said Reiner is a witness to Guido de Balliol's original grant (No. 52), which it is reasonable to suppose preceded the year 1138, or at least could not be long subsequent to that date. Moreover, the fact that the convention with Evesham is mentioned in the Memorial (p. 5) is consistent with the assumption that it took place during the incumbency of the first Abbot Richard, or at some time antecedent to the year 1175. The date of the present deed is therefore somewhat thrown back—a conclusion which is quite consistent with the fairly certain approximate dates of the other benefactions named in this confirmation.

5 Robertus de Botivelein died Dean in 1186. Robert de Gaunt is named just before him in Le Neve as Dean in 1148. It is certainly possible, therefore, and assuming the conclusion in the preceding note to be sound, that this may be Robert de Gaunt.

Monasterio S. Petri et S. Hŷldæ de Wŷtebŷ, et monachis ibid. Deo serv., ecclesiam S. Mariæ ejusdem villæ, cum pert. suis; et eccl. S. Mariæ de Hackenes,[1] cum pert. suis; et eccl. de Etona,[2] cum pert. suis, in proprios usus Monasterii et Monachorum in perp. elem. confirmamus, salvo jure Ebor. Ecclesiæ, et episcopalibus consuetudinibus; excepto quod prædicta ecclesia S. Mariæ de Wŷtebŷ quieta est de sinodo.[3] Post decessum[4] vero Reinerii, Clerici sui, ecclesiam de Engelby in proprios usus Monasterii et Monachorum similiter concedimus et confirmamus. Præterea vero confirmamus præd. Ecclesiæ S. Petri et S. Hŷldæ de Wŷtebŷ, duas partes decimæ bladi de totis dominiis Willelmi de Perci, (15) filii Alani de Perci,[5] undecumque culta vel seminata fuerint tempore eorum vel hæredum eorum, sicut habetur in cartis eorum, scil. de Uplium, de Wiltona, de Samara, de Nafertona, et de Stachestona:[6] similiter in Boitorp ex dono Hugonis de Boitorp:[7] similiter in Wicheham, ex dono Pagani de Wicheham. Conventionem vero quæ[8] inter Abbatem de Wŷtebŷ et Abbatem de Evesham, assensu Conventus utriusque Monasterii, super ecclesia de Huntintona facta est, nos ratam habemus, illamque præs. c. confirmamus, sicut in carta Abbatis et Conventus de[9] Evesham continetur. Hiis testibus. Clemente,[10] Abbate de Eboraco. Gregorio,[11] Priore de Bridlington. Johanne Archidiacono;[12] et aliis.

the churches of St. Mary, Whitby, St. Mary, Hackness, Ayton, "in proprios usus," the church of Whitby, however, being exempt from Synodals. In like manner grants, on decease of Reiner, the Parson, Ingleby Church; confirms also two-tenths of the tithes of all Will. de Percy's lands.

LVI. De duabus carucatis terræ in Isleham.

Notum sit omnibus legentibus vel audientibus literas has, quod ego, Alanus de Perci, reddo[13] duas carucatas terræ in His-

Alan de Percy re-

[1] M. Haken'. [2] M. Atona.

[3] M. synodo. [4] *dicessum.*

[5] M. Will'i de Percy et Alani de Percy filii ejus, et Will'i de Percy, filii Alani de Percy. [6] M. Staxtona.

[7] See *supra*, p. 4, where the entry is, "ex dono Hugonis de Boitorp, et uxoris suæ, Aalizæ de Perci, neptis Will. de Perci et Serlonis Prioris."

[8] *Est* is here supplied in a different hand and paler ink, but unnecessarily.

[9] *de* repeated.

[10] Savaricus, Abbot of St. Mary's, died in 1161, and was succeeded by Clement, who died in 1184; "qui fuit lupus rapax, super omnia vastans," being the character given him in the MS. by Symon Warwic'.

[11] "Before 1181." (Burton's *Monast.*)

[12] No Archdeacon John named in Le Neve. See Nos. 44, 205.

[13] In the Memorial, at p. 3, it is set forth that the Convent had, "of the

stores and quitclaims to Whitby two carucates in Islaham.

laham Ecclesiæ S. Petri et S. Hildæ de Wẏtebẏ, et concedo liberas et quietas in perp. elem., et hac mea carta confirmo, ita libere et quiete sicut aliqui prædecessorum meorum præfatæ Eccl. de Wẏtebẏ melius et liberius dederunt, et carta sua confirmaverunt. Sciendum est etiam quod ego hanc præd. elem. pro posse meo contra omnes homines warentizabo,[1] et ab omnibus exactionibus defendam. Hiis testibus. Roberto,[2] Decano Capituli S. Petri Eboracensis. Roberto de Perci. Henrico de Perci. Hernisio, fratre Aldredi; et aliis.

LVII. De una carucata terræ in Oxenham.

Geoffrey de Percy grants to Whitby one carucate in Oxnam for the soul of King David, of whose gift he had the said land, and for Earl Henry's.

Omnibus filiis S. Matris Ecclesiæ, omnibusque hominibus tam præs. quam futuris, Gaufridus de Perci[3] sal. in Christo. Sciatis me ded. et conc. Deo et S. Petro et S. Hẏldæ de Wẏtebẏ, fratribusque nostris et monachis ibidem Deo serv., unam car. t'ræ in Oxanaham, pro s. animæ Regis Davidi,[4] qui michi prædictam terram dedit; et pro s. a. Comitis Henrici,[5] et filiorum filiarumque suarum, et etiam pro s. a. patris mei, et matris meæ, et meæ animæ, et fratrum meorum, et parentum, in lib. et qu. elem., tam quietam et lib. sicut aliqua ecclesia quietius[6] aut liberius aliquam tenet aut possidet elemosinam.

gift of Emma de Port, . . . two carucates of land, the one in Ysleham and the other in Sneileswelle." From the terms of this charter, "ego, Alanus de Percy, reddo duas car. t'ræ in Islaham," the necessary inference is that these two carucates had, in some way or other, been withdrawn from the possessions of the convent, and were now given back or restored by the grantor of the deed; and of course he must be the inheritor of that part of the Percy lordships. In No. 211 Alan de Percy, son of Alan de Percy, grants two carucates in Scotland to Whitby, his brothers William, Walter, and Geoffrey being witnesses to the charter. He is quite certainly Alan de Percy le Meschin, and there can be almost as little uncertainty about his being the grantor of the present charter, and as to the two Percies, witnesses to it, being his brothers so named.

[1] *warentabo.*

[2] As William de Percy, the present Alan's elder brother, succeeded his father between 1132 and 1135, it is possible that this charter may not be many years later than the said date, and that so this Dean Robert is the earlier Dean of that name. The next charter by Gaufridus, brother of the present grantor, dates not later than 1150.

[3] Son of Alan de Percy, and grandson of William hote Lesgernuns.

[4] Reigned from 1124 to 1153.

[5] Died before his father.

[6] *quiescius.*

Hiis testibus. Gaufrido[1] Clerico, fratre meo. Roberto Tŷrel. Alano filio Raulfi.[2] Godefrido de Bellung; et aliis.

LVIII. Confirmatio Maculum Regis Scotiæ.

M[alcolmus],[3] Rex Scottiæ, Episcopis, Abbatibus, Comitibus, Justiciis, Baronibus, Vicecomitibus, Præpositis, Ministris, et omn. hominibus totius terræ suæ, clericis et laicis, tam futuris quam præs., salutem. Sciatis me concessisse, et hac mea carta, auctoritate regia, confirmasse Deo, et Ecclesiæ de Wŷtebŷ, et fratribus monachis (15b) ibid. Deo serv., elemosinam quam Alanus de Perci, et Gaufridus, frater suus, dederunt Deo et Ecclesiæ S. Hŷldæ de Wŷtebŷ, et quam Rex Davidus, avus meus, illis confirmavit; scil. unam carucatam terræ in Hetunea et aliam in Oxenham, ad tenendam terram illam de me et de meis hær. in perp. elem., libere et quiete ab omni sæculari servitio et exactione, sicut carta avi mei, Regis Davidi, protestatur. Testibus. Andrea, Episcopo de Catenessa. Gregorio, Episcopo de Duncheld. Waltero Cancellario. Waltero filio Alani. Gilberto de Umfravilla, et aliis.

Malcolm, King of Scots, confirms to Whitby the alms which Alan de Percy and his brother Geoffrey had given, with the confirmation of King David, viz., one carucate in Hetun and one in Oxnam.

LIX. De II. carucatis in Oxenham et Hetona.

Sciant omnes vid. et audientes literas istas, quod ego, Alanus de Perci, pro s. a. meæ et pro D'no meo, Rege David, et ejus filio, Henrico Comite, et hæredibus eorum, et pro a. Alani de Perci, patris mei, et pro a. matris meæ, et pro animabus hær. meorum, et omn. parentum meorum, dedi Deo et Eccl. S. Petri et S. Hŷldæ de Wŷtebŷ, et Monachis ibid. Deo serv., duas carucatas t'ræ, unam in Oxeneham et alteram in Hetune, cum communi[4] asiamento utriusque villæ, in elem. perp., lib. et qu.

Alan de Percy grants to Whitby, for the souls of King David of Scotland, Earl Henry his son, and his own father Alan, two

[1] It will be noted that this witness has the same name as the grantor of the charter, albeit his brother—a fact which suggests that one of the two may have been, probably was, illegitimate. Alan de Percy, "magni Alani filius nothus," present at the battle of the Standard, clearly was so, and the question is raised whether or no he were identical with Alan de Percy, le Meschin. The various brothers belonging to this generation named in A are William, the eldest son and heir of Alan de Percy; Alan, le Meschin; Walter, de Rugemond; Geoffrey; Geoffrey, the clerk; Henry; and Robert.

[2] Ita.

[3] 1153-1165. In connection with this charter, see Nos. 59-64, 211, etc.

[4] *communia.*

carucates, one in Oxnam and the other in Hetun.

de omni servitio et consuetudine sæculari. Hiis testibus. Willelmo de Perci, et Henrico de Perci, fratribus meis. Pichot[1] de Perci, et aliis.

LX. Confirmatio Henrici de Perci de eisdem.

Henry de Percy confirms the donations to Whitby made by his brother Alan of two carucates, one in Oxnam and the other in Hetun, and also a third carucate, the gift of his brother Geoffrey, also in Oxnam.

Omn. filiis S. M. Ecclesiæ, Henricus de Perci, in Christo salutem. Notum sit vobis omnibus me concessisse, et concedendo hac carta mea confirmasse, Deo et Eccl. S. Petri et S. Hẏldæ de Wẏtebẏ, Monachisque ibid. Deo serv., in perp. elem. donationes illas quas dedit D'nus Alanus de Perci, frater meus, de duabus carucatis t'ræ, quarum una est in Oxanaham et altera in Hetunia, et illam[2] etiam donationem unius carucatæ terræ in Oxanaham quam Gaufridus, frater meus, eidem Eccl. in perp. elem. dedit, ita lib. et qu. tenendas quemadmodum aliqua ecclesia aliquas elemosinas liberius sive quietius[3] tenet. Hii sunt testes. Gaufridus de Perci, frater meus. Robertus, frater meus, de Perci. Johannes, filius Rodberti de Perci. Gosfridus Clericus, frater meus. Robertus, filius Walteri de Perci. Gilbertus, filius Hugonis de Perci. Gaufridus de Tẏbatorp. Gilbertus, filius Rogeri. Gaufridus de Bosco. Normannus Cocus. Willelmus, filius Danielis. Robertus Cocus.

LXI. (16) Confirmatio Galfridi de Percy de II. carucatis terræ in Oxenham.

Geoffrey de Percy confirms the gift of his brother Alan to

Sciant omnes videntes et aud. has literas, quod ego, Gaufridus de Perci, concessi Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebẏ duas carucatas terræ, et omnia ad illas pertinentia, quas D'nus

[1] This must be a younger Pichot de Perci. The elder Pichot is witness to Alan de Percy's grant and confirmation of the Fyling, Normanby and Hawsker vills (No. 28), dating probably soon after Will. de Percy, the founder's death, and to Fulco fitzRaynfred's charter (No. 253). Pichot's son Robert (No. 43), in the presence of his heir, grants the church of Quenre Sutton to Whitby, and is witness to the charter of Will. de Perci (elder brother of the grantor of the present charter), in which he confirms the donations of his father and grandfather (No. 26). Probably the present witness is son of Robert, if not the heir mentioned in No. 43.

[2] The word "illam" is marked off with two light lines on either side of it, and a little above the level of the line.

[3] *quiescius*, but with the *s* erased.

Alanus, frater meus, in vita sua pro redemptione animæ suæ et s. parentum suorum, liberas et quietas in bosco et plano, in pratis [et] stagnis, sine ullo servitio dederat, unam scil. in Oxanham, et alteram in Hetun,[1] usque in perpetuum. Hii sunt testes. Henricus de Perci. Robertus Tirel, et ejus frater Alanus; et alii.

Whitby, made in his lifetime, of two carucates, one in Oxnam and and the other in Hetun.

LXII. CONFIRMATIO DAVIDI REGIS DE EODEM.

David Rex Scotiæ, Episcopis, Abbatibus, Comitibus, Justiciis, Baronibus, Vicecomitibus, Præpositis, Ministris et omn. hominibus totius terræ suæ, clericis et laicis, tam futuris quam præs., salutem. Sciatis me concessisse, et hac m. c. conf., Deo et Eccl. de Wẏtebẏ et fratribus monachis ibid. Deo serv., elemosinam quam Alanus de Perci, et Gaufridus, frater suus, dederunt Deo et Eccl. S. Hẏldæ de Wẏtebẏ—scil. i. car. t'ræ in Hetune, et aliam in Oxenam, ad tenendam illam terram de me et de hær. meis in perp. elem., libere et quiete ab omni serv. sæc. et exactione. Testibus. Willelmo Abbate de Castello Puellarum; et Willelmo Capellano; et Ha. Capellano de Rochesbur; et Duncano, Comite [de] Castello Puellarum.

David, King of Scotland, confirms to Whitby the alms given by Alan de Percy and his brother Geoffrey of two carucates, one in Oxnam and one in Hetun.

LXIII. PHILIPPUS DE COLEWILE DE EADEM.

Omnibus S. Ecclesiæ filiis et fidelibus, Philippus de Colevile, salutem. Sciatis me conc., et hac m. c. confirmasse, in perp. elem., donationem quam Alanus de Perci fecit Ecclesiæ de Wẏtebẏ, scil. duas carucatas t'ræ, unam in Oxanaham, et alteram in Hetunia, lib. et quietas ab omni servitio et consuetudine et exactione; ut præfatam elem. ita libere et quiete et honorifice possideant, sicut aliam aliquam elem. liberius et quietius et honorificentius possident. Hiis testibus. Alamano de Colevile. Guillelmo de Aunei. G[u]illelmo de la Haie. Gilberto, filio Rogeri; et aliis.

Philip de Coleville confirms Alan de Percy's donation to Whitby of two carucates, one in Oxnam, etc.

LXIV. THOMAS DE COLEWILE DE EADEM.

Omnibus S. M. Ecclesiæ filiis, Thomas de Colevile, salutem. Sciatis me conc, et hac m. c. confirmasse, in perp. elem.,

Thomas de Coleville confirms

[1] Originally written *Hedun*, and the *d* altered to *t*.

Alan de Percy's grant to Whitby of two carucates, one in Oxnam, etc.

donationem quam Alanus de Perci fecit Ecclesiæ S. Petri et S. Hŷldæ de Wytebi, et Monachis ejusdem loci Deo serv., scil. duas caruc[at]as terræ, unam in Oxenham, et alteram in Hetune, pro redemptione animæ meæ, et salute parentum meorum, lib. et qu. ab omni serv. sæc. et consuetudine et exactione, in bosco, in plano, in pratis, [in] (16ᵇ) stagnis, ut præf. elemosinam ita libere et quiete et honorifice possideant sicut aliquam aliam elem. liberius et quietius et honorificentius possident. Hii sunt testes. Willelmus filius Johannis. Rogerus de Brachelai. Gaufridus Ridel. Simundus de Grumbeheved. Alamanus;[1] et alii.

LXV. De quinque toftis in Dunesleya. [M. 32.]

William de Percy, son of Richard de Percy, de Dunsley, grants to Whitby five tofts in Dunsley, partly specified.

Sciant tam præs. quam fut. quod ego, Willelmus, filius Ricardi de Perci,[2] dedi in liberam elem. Ecclesiæ de Wŷtebŷ[3] v. toftas in Duneslea;[4]—scil. unam quam Ailricus habuit juxta domum Roberti de Couvilla,[5] et aliam toftam, quam Gurdelof[6] habuit; et aliam, quam Crispianus tenuit; et dimidiam toftam inter Rogerum Porcarium[7] et Rodbert[um] Gurdelof[8] habuit; et in Carlegroft[9] quandam acram et dimidiam, et in Lindale[10] quoddam pratum, in quo est dimidia acra. Testibus. Radulpho[11] Presbitero. Ricardo de Dunesle, et Galfrido de Snetuna; et Reginaldo de Snetuna; et aliis.

LXVI. De una bovata in Dunesleya. [M. 32ᵇ.]

William, son of Richard de

Sciant tam præs. quam fut. quod ego, Willelmus, filius Ricardi de Perci, adquisitione et servitio D'ni Martini Cellerarii, dedi

[1] Probably Alamannus de Colevile of the preceding charter.

[2] Namely, of Richard de Percy de Dunsley, son of Will. de Percy ove lesgernuns. By a reference to No. 265 it will be seen that he held his Dunsley lands, as his father had done before him, of the Abbey "in feudo et hæreditate." He is the grantor of other charters besides this and the next, as, for instance, Nos. 208 and 577. Several other documents connected with lands etc. at Dunsley will be found in the sequel.

[3] M. Whiteby. [4] M. Dunseleia. [5] For *Colvilla*.

[6] M. Robertus Gourdeloft'. [7] M. bercarium.

[8] M. Rodbertum Gurdelofte. There is an imperfect reading here, which, as it occurs in both copies, it is not easy to correct. It is apparent that there is an omission, as only three tofts and a half are specified out of the five named at the outset. [9] M. Karlecroft. [10] M. Lyndale.

[11] M. No other witness is named, and Presbytero is omitted after Rad.

et conc. almario Wŷtebŷæ[1] in perpetuum, ad tenendum de me et de hær. meis in Duneslea[2] unam bovatam t'ræ, illam, scil., quam Magister Robertus tenuit de me in hæreditate:—Reddendo annuatim ad firmam. XII. denarios; scil. VI. den. ad Pent. et. VI. den. ad festum S. Martini; et, præter hoc, tenendo de me et de hær. meis illam bovatam t'ræ libere et quiete, sicut[3] ego de Ecclesia Wŷtebiæ[1] aliam teneo, faciendo forense servitium libere quantum illi bovatæ pertinet. Cum illa bovata præf. dedi et concessi eidem almario, in perpetuum, toftam et croftam quæ interjacet inter toftam Ailrici et toftam Suartcole. Testibus. Radulpho Presbitero. Ricardo Presbitero. Roberto filio Reineri; et aliis.

Percy, de Dunsley, grants to the almary of Whitby a bovate of land in Dunsley for an annual payment of 12d., payable at two terms.

LXVII. Robertus de Percy de terra in Eboraco. [M. 118.]

Omnibus fid. S. Matris Ecclesiæ filiis, Rodbertus de Perci, filius Picott, salutem. Sciatis me d. et conc. Deo et Eccl. S. Petri et S. Hŷldæ de Wŷtebŷ et Monachis ibid. Deo serv., in lib. et perp. elem., unam domum meam cum tofta pertinente in Fiskeregate in Ebor., juxta ecclesiam Omn. Sanctorum; videl. xvi. denarios per annum, salva tenura Dominæ Gode, quæ in ea est, et suorum hær.; ita quod ipsa non possit eandem terram alicui donare, vel vendere, vel inwagiare, sine licentia D'ni Abbatis de Wyteby et ejusdem loci Capituli. Hujus donationis hii sunt testes. Radulfus, Presbiter de Wyteby, et Rogerus Presbiter; Vivianus, Presbiter de Ugalbardebŷ; Nicolaus Diaconus; Walterus Diaconus; et alii.

Robert de Percy grants to Whitby a house of his, with toft, situate near All Saints' Church, Fishergate, in York, as security for an annual payment of 16d., saving the tenure of the Lady Gode.

LXVIII. (17) De Westcroft. [M. 103.]

Sciant omnes videntes vel audientes has literas, quod ego, Alanus Buscel,[4] et Gervasius, frater meus, concessimus et dedimus et optulimus Deo et Ecclesiæ S. Petri et S. Hŷldæ de Wŷtebŷ,[5] et Monachis ibid. Deo serv., totam illam terram juxta Derewente[6] quæ dicitur Westcroft, cum communi pastura, in lib. et perp. elemosinam, quietam ab omni exactione et servitio sæculari, pro animabus nostris, et pro animabus patris et matris nostræ, et hær. nostrorum, et omn. parentum nostro-

Alan Buscel, with his brother Gervase, grants to Whitby the land at Hoton, near the Derwent, known as Westcroft,

[1] M. de Whiteby. [2] M. Dunseleia. [3] M. sicud.
[4] M. Buscel. [5] M. Hildæ de Witeby. [6] M. Derewentam.

with common right of pasture.

rum. Hiis testibus. Odone Sacerdote. Willelmo Sacerdote.[1] Ricardo Sacerdote; et aliis.

LXIX. De una carucata terræ in Rauceby. [M. 25b.]

William Fossard confirms to Whitby a carucate of land at Rousby, the gift originally of his father; also another carucate of his fee in Butterwick, held by Gosfrid, son of Durand.

Sciant omnes vid. et audientes literas has, quod ego, Willelmus Fossard,[2] concessi Deo et S. Petro, et Monachis de Wẏtebẏ, unam carucatam t'ræ in Rouesbi[3] quam antea pater meus dederat eidem Ecclesiæ, in perpetuo, in elemosina pro a. m. et pro uxore mea, et pro animabus patris et matris meæ, liberam et quietam de omnibus rebus: et unam aliam carucatam t'ræ concessi illis fratribus et præd. Ecclesiæ, quæ est de feudo meo in Buterwic,[4] quam Gosfridus, filius Durandi, tenet de me, similiter lib. et qu. de omnibus rebus, sicut pater ipsius Gosfridi, Durandus, eam dedit, qui in eadem ecclesia monachus fuit. Hujus doni testes sunt:—Jordanus Presbiter et Hugo, Clerici; Wimundus, Dapifer; Rogerus Hai; Willelmus de Monte; et alii.

LXX. Quietah clamatio Thomæ Dani de terra de Suthfeld. [M. 79.]

Thomas Dane releases and quitclaims to Whitby

Omnibus vid. vel audientibus has literas, Thomas Danus, salutem. Notum sit omnibus vobis quod ego d. et conc., et hac præs. c. mea conf., Deo et S. Petro et S. Hẏldæ de Wẏtebẏ,

[1] M. No other witness after this.

[2] "Nigellus Fossard tenuit manerium de Doncastre in Com. Ebor. tempore Guillelmi Conquestoris, cujus consanguinea et hæres, Joanna—viz. filia Guilelmi, filii Guilelmi, filii Roberti, filii dicti Nigelli—nupta fuit Roberto de Thorneham per Ricardum primum; cujus Roberti filia et hæres, Isabella, nupta fuit Petro de Malo Lacu, qui habuit, etc." (Ex placitis Coronæ, No. 7, Edw. I. Term. Trin. Rot. 28, Ebor. *Dodsworth*, 119, p. 48.) In No. 214 we have the charter of Durand de Butterwick conveying the carucate specified in this charter, and in No. 251 Robert Fossard's confirmation of the same, in which latter document Geffridus is mentioned as uniting with his father Durand in making the oblation. Thus it becomes quite clear that the William Fossard granting the present confirmation can be no other than the successor of the aforesaid Robert, and that is, according to the pedigree given in the above extract, his son, and grandson of Nigel Fossard, the original grantee, under the Earl of Mortain, of the Lythe and Egton Manors, a portion of the former of which Roxby or Rousby is.

[3] M. Rouceby.

[4] *Buteruuic*. M. Buterwic.

et monachis ibid Deo serv., totam terram de Suthfeld, et toftum de Hakanesse quam prædecessores mei de Eccl. de Wÿtebÿ tenuerunt—Tenendam de me et de hær. meis in perp., ita libere et quiete ab omni servit[i]o et exactione sæculari, et sine reclamatione mei et hær. meorum, ita ut nec ego, nec hær. mei quicquam de præf. terra vel exigamus vel percipiamus, præter unam libram piperis, quam prædicti monachi mihi et hær. meis annuatim persolvent, apud Wÿtebÿ, ad festum Translationis S. Hÿldæ. Hanc autem donationem inconcusse et fideliter tenendam, pro me et hær. mei, affidavi et juravi super altare et super reliquias Ecclesiæ de Wÿtebÿ. Hiis testibus. Thoma Capellano. Paulino Presbitero. Rogero Camerario. Radulpho de Ebor.; et aliis.

all his Suffield land, and a toft in Hackness, hitherto held of Whitby, for annual rent of one pound of pepper.

LXXI. Confirmatio Willelmi de Argenton. [M. 23b.]

Notum sit omnibus[1] vid. vel audientibus has literas, quod ego, Willelmus de Argentum[2] concessi, et h. c. mea confirmavi

William de Argentom

[1] *Omnibus* omitted in M.

[2] From the return by William de Percy of the knights infeuded in his fee, early in the reign of Henry I., printed above (p. 31), it is seen that William de Argentom held one knight's fee in Upleatham and Lofthus. From the Memorial (p. 7) it appears that Robert de Argentom was the original donor of the two bovates mentioned in this charter, which identifies him as the father of William de Argentom, the grantor. But there was also an early benefactor of Whitby in the person of Walter de Argentom, who gave two bovates in South Lofthouse,—the entry in the Memorial (p. 7) being, "ex dono Walt. de Argentom et Will. de Perci de Dunesleia et Aalizæ matris suæ." From No. 74 it appears that Walter de Argentom had been Athaliza or Aaliza's first husband; as also that she had been the actual donor of the two bovates in Lofthus. Whence the inference is that it was out of her dower, as South Lofthus was in the Percy fee from a very early period. Cotemporary with the grantor of No. 74, Athaliza's son, William de Percy, by Richard of Dunsley, was Richard de Argentom de Lofthouse (see No. 363), which gives colour to the supposition that there was issue to the marriage of Walter de Argentom and Athaliza. There are several other charters by members of the Argentum family, as connected with Uplium or Upleatham, notably Nos. 72, 217, and 422, the last of which is in close connection with the present, as well as with its grantor. The memorandum printed as No. 425 traces the descent of the Uplithum land from the William de Argentum of the present charter through his three grand-daughters to their several husbands; but it is to be observed that in

Ecclesiæ S. Petri et S. Hŷldæ de Wytebi (17b) illas duas bovatas

the next charter Roger de Argentom, the grantor, speaks of his father as Roger fitzPeter, and not as William fitzRobert, as, according to the memorandum, he must have been. Consequently the Roger of No. 72 must be a member of another branch of the family. In No. 217 a Roger de Argentom quitclaims to the Abbey certain small portions of land at Uplium which he thus describes:—"illam terram quam Juliana, uxor Will. de Argentom, nomine dotis de domo de Wyteby acquisivit illarum duarum bovatarum quas Will. de Argentom, maritus ejusdem Julianæ, dedit Deo et Eccl. de Wyteby." This William is of course the William fitzRobert of the present charter, and the Roger who grants the said No. 217 could hardly speak of him as he does if any very near relationship existed. It may be open to question, however, whether the Roger de Argentom of the charter immediately preceding No. 217 is identical with the Roger of the latter, or the son of William fitzRobert. Among the witnesses to No. 217 are Gregor. de Argentine and Joh. de Argentine, the former being also a witness to No. 72. In the Gysburne Cartulary (Cott. MSS. Cleop. D. ii.), ff. 326b and 327, a Greg. de Argentom, distinguished as de Ketton, is mentioned in three consecutive charters, having two daughters, Amicia and Agnes, his co-heiresses, owning property in Ugthorp; and, again, in three other charters on f. 322b, a Greg. de Argentom is named owning property in Ugthorp, who describes himself as a nephew of a Richard de Argentom, but his father's name is not mentioned. His wife's name was Juliana. But it is not possible to identify the one Gregory with the other; indeed it is more probable they are father and son. There is, besides, on f. 333 of the same MS. a series of charters by William de Argentom of such a nature as in part to discredit No. 425. In the latter Roger de Argentom, son of William, son of Robert, is stated to have left three daughters, co-heiresses,—Agnes, Asmota, and Elizabeth,—the second of whom, Asmota, was espoused to Albert de Crawcestre,—"de quibus exierunt Yvo et Jacobus qui obierunt sine prole." However, in the third of the charters just referred to, Will. de Argentom makes known "omn. hominibus suis et amicis, Francigenis et Anglicis . . . me d. et c. et conf. Alberto de Crawcestria cum sorore mea Christiana," five score acres of land in Redker; and it is further certain from other documents in the same Cartulary that there were two sons issue to this marriage, Yvo, called both de Crawcester and de Redker, but the latter most frequently and prevailingly in the end, and William. The latter died *s.p.*, but Yvo had issue Jacobus, who also appears to have died childless. Besides the above challenge of Albert de Crawcestre's wife Christiana as his sister by William de Argentom, Albert's son Yvo is distinctly styled his nephew. The memorandum is therefore undoubtedly wrong as to the name Asmota, and can only be right as to the person on the supposition that the three co-heiresses he mentions became so on the death, without issue, of their brother William. But the entire question of the mutual relationship of these Argentoms, and of their connection with the more famous and somewhat later family, of which Sir Giles was so conspicuous a member, is utterly obscure. It is not quite wide

terræ in Wpplium,[1] quas pater meus eidem Ecclesiæ dedit, cum omnibus pertinentiis ad eas in lib. et perp. et quiet. elem., de me et de hær. meis ab omni exactione et consuetudine temporali. Insuperque d. et conc. et conf. præd. Ecclesiæ omnem purpresturam quam homo Ecclesiæ, Gamellus nomine, occupaverat super me, sicut metæ extendunt, et determinant et dividunt inter terram prædictam Ecclesiæ et collateralem, ex omni parte; ab anno quo Rex Henricus, filius Henrici Regis . . .[2] coronatus[3] est. Hii sunt testes. Radulfus Sacerdos. Albertus Sacerdos.[4] Johannes Sacerdos. Adam subtus Falais; et alii.

confirms to Whitby his father's gift of two bovates in Upleatham, and also the encroachment made by Gamel, as defined by its meres and boundaries.

LXXII. Rogerus de Argentom de una bovata in Uplium. [M. 24.]

Omnibus Christi fidelibus, ad quos hoc præs. scr. pervenerit, Rogerus de Argentom, salutem. Noverit univ. vestra me, divinæ

Roger de Argentom

of the point to observe that, in a side-note in the list of the knights of the Percy fee adverted to above, William de Argentom is alleged to have held his one knight's fee partly in Uplium and partly in Lofthus, as also that in Burton (*Mon. Ebor.* p. 353), William de Argentin is stated to have given land in Uplium to Gyseburn with the consent of Julian, his wife, and Roger and Agnes, their son and daughter. This confirms the memorandum as to William's son Roger. It is probable also that the Percys had an interest in Ugthorpe, as the name Percybiggyng is one which occurs in the Gysburne charters in connection with Ugthorpe, and this may indicate the site of the land held there by the Argentoms and of the Percys.

[1] M. Uplium.

[2] The word which follows Regis is unintelligible. It looks like iomss or ioniss, the first *s* being a long one.

[3] "The Whitsuntide of 1170 was however marked by a more critical event than the inquest of Sheriffs. The heir was crowned as Henry III.; the ceremony was performed, not by Thomas of Canterbury but by Roger of York, and the wife of the young king was not crowned with him. This act, which was intended by Henry as a sign and seal of power, was a most unfortunate mistake. He had, not unnaturally, supposed that it would strengthen the supreme authority to have in each division of his dominions a sufficient representative of royal majesty, he found that he had placed a dangerous weapon in the hands of an undutiful son; the minor irregularities of the coronation day roused his enemies to frenzy; Thomas Becket asserted that the rights of Canterbury, of the English Church, of Christianity itself, were outraged by Archbishop Roger's intrusion; and Lewis VII., hurt at the neglect of his daughter, and backed by the support of the family of Champagne, who combined careful orthodoxy with intense hatred of the house of Anjou, urged the Pope to put the kingdom under interdict."—(Stubbs's *Const. Hist.* i. 474).

[4] No other witnesses in M.

grants to Whitby one bovate in Upleatham with toft appertaining, viz. the easternmost toft of the three which his father bought from Peter Escarbot.

pietatis intuitu, conc. et ded. et hac pr. c. m. conf. Deo et Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebẏ, et monachis ibid. Deo serv., unam bovatam t'ræ in villa de Uplium, cum tofto ad illam terram pertinente, cum omnibus pertinentiis, et asiamentis ejusdem villæ, infra v. et extra illam;—scil. bov. t'ræ quæ est propinquior soli de illis tribus bovatis, quas Rogerus filius Petri, pater meus, acquisivit de Petro Scarbot, in lib. et p. et perp. elem., quietam ab omni servitio et consuetudine et exactione sæculari, pro s. a. me[æ], et omnium antecessorum et successorum meorum. Ego autem et hær. mei præd. elem. prædictis monachis de Wẏtebẏ[1] war. et def. c. o. h. et f. in perpetuum. Hiis testibus. Richerio de Fielinga.[2] T[h]oma Capellano.[3] Roberto de Bedingeham. Gregorio de Argentona; et aliis.

LXXIII. WILLELMUS DE STUTEWILLA DE ECCLESIA DE ATONA. [M. 16^b^.]

William de Estuteville confirms to Whitby the Church of Ayton in Cleveland.

Omn. S. Ecclesiæ Matris filiis præs. et futuris, has literas vis. vel aud., Willelmus de Estutevilla,[4] salutem. Noverit univ. v. me, divini amoris intuitu, et pro s. a. meæ, et animarum patris et matris meæ, et hær. meorum, concessisse, et hac mea pr. c. conf. Deo et S. Petro et S. Hyldæ de Wẏtebẏ, et monachis ibid. Deo serv., ecclesiam de Atuna in Clifland,[5] cum omn. pert., ad proprios usus præd. monachorum in perp. elemosinam.

[1] M. Witeby.

[2] M. Richero de Filinga.

[3] M. supplies *de Witebi* here.

[4] "It appears from early and authentic records that the manor of Ayton was granted at a very early period to Robert de Estoteville, one of the valiant Northern barons, who, 3 Stephen, fought against the Scots at the famous Battle of the Standard. In this family it continued till 17 Henr. III. (123$\frac{2}{3}$), when, issue-male failing, it descended by marriage with Joan, daughter of Nicholas de Estoteville, to Hugh, son of Baldwine de Wake." —(Graves's *Cleveland*, p. 195.) The present deed must date in the latter part of the twelfth century, as is apparent from the names of the witnesses.

[5] M. Atona in Clivelandia.

Teste G[alfrido] Archidiacono C[lifland][1] Petro Archidiacono Karliol.[2] Reginaldo Arundel;[3] et aliis.

LXXIV. Willelmus de Percy de duabus bovatis in Villa de Lofthus (18).

Notum sit omnibus vid. vel audientibus has litteras, quod ego, Willelmus de Perci, ante obitum meum, concessi et dedi Deo et S. Petro et. S. Hy̆ldæ de Wy̆teby̆, monachisque ibid. Deo serv., pro a. m. et pro a. patris mei, Ricardi de Perci, et pro a. matris meæ, et omnium parentum meorum, illas duas bovatas t'ræ in Loftusa, in perp. et lib. ac quietam elem., quas videl. duas bov[at]as t'ræ mater mea, Athaliza, prius dedit præd. Ecclesiæ pro a. Walteri de Argentum, qui fuit ejus sponsus legittimus. Unde precor hær. meum ut, sicut meus est filius, et meam voluerit habere benedictionem, istam meam elemosinam prænominatæ Eccl. concedat; et si eam auferre conatus fuerit, meam maledictionem habeat. Hiis testibus. Ricardo, Capellano de Lofthusa. Bartolomæo et Hugone hæredibus; et matre mea Atheliza; Celestri et Cristina, sororibus meis.

William de Percy confirms to Whitby, for his father Richard de Percy's soul and others, the two bovates in Lofthus previously given by his mother Athaliza for her husband, Walter de Argentum's soul.

LXXV. Confirmatio Alani Buscel be dimidia carucata quæ fuit Azæ de Lokingtona. [M. 103.]

Notum sit omn. vid. vel audientibus has litteras, quod ego, Alanus Buscel,[4] dedi et concessi Ecclesiæ S. Petri et S. Hy̆ldæ

Alan Buscel grants and confirms to

[1] This name is written G. Clid', and the abbreviation can hardly be for any name but Cliveland or Clifland, as in the body of the deed. Geoffrey de Muschamp held the office, temp. Henr. II., and became bishop of Coventry and Litchfield in 1198. His predecessor, Jeremiah, was in office in 1170.

[2] Peter de Ross, witness to a confirmatory patent of John, Prior of Carlisle, in 1180, died 1196.

[3] Beyond doubt Reginald Arundel de Suetun, father of Johanna Arundel, wife of Roger de Baius. See No. 102.

[4] Alan Buscel is the son of Aaliza de Perci, described in the Memorial (p. 4) as "Neptis Willelmi de Perci et Serlonis Prioris." Aaliza was twice married, namely, to Hugo de Boitorp, who unites with her in granting "duas partes decimæ bladi in Boitorp" to Whitby; and to Reginald Buscel. It is almost certain that the former was her first husband, and consequently that the grant of tithes in the demesne of Boythorpe was one among the earliest donations to the convent after it began to assume form as a religious

Whitby the half carucate which Aza, son of Wymund, used to hold of him, acquitting it of County, Wapen-take, and Hundred dues.

de Wẏtebẏ illam dimidiam carucatam t'ræ in Hotona quam Asza,[1] filius Wẏmundi,[2] de me tenuit, lib. et qu. ab omni servitio quod ad me pertinet:—Ita, etiam, quod ego et hær. mei eam adquietabimus de comitatu, de wapentachan,[3] et de hundrez[4] cum communi pastura in bosco et plano et mora, per

house. The date of the gift by Alan Buscel of the Church of Hoton and Hermitage near Westcroft, also in the Memorial (p. 4)—"ex dono Alani Bucel filii præd. Aalizæ, neptis Willelmi et Serlonis Prioris ecclesiam de Hotune in Pickeringelit," etc., is settled as having taken place in king Stephen's presence [No. 582. Inspex. of Edw. II., rehearsing among other confirmations that by Stephen]. That donation probably preceded the grant recorded and conveyed in the present charter.

[1] M. Aza.

[2] Aza, Aze, or Ace, filius Wymundi de Lockinton is described in the Memorial, when his gift of this half carucate in Hoton and two bovates in Middeltune is noted, as "nepos Willelmi Abbatis" (p. 4). He must consequently be a blood relation of Alan Buscel's—if his mother was a sister of Aaliza de Percy, Alan's mother, of course his first cousin. It is, however, but a conjecture, and perhaps even not so probable as to exclude others, that Abbot William de Percy, Aaliza de Percy, wife of Boitorp and Buscel successively, and Wimund's wife, were brother and sisters. That the latter was sister to Abbot William there can be little or no doubt. But it is difficult to see a good reason, assuming that so much is made good by the mention of his specific relationship to the Abbot, why the same relationship, if it existed, should not have been alleged in the case of Aaliza de Perci, who, so far from being spoken of as soror Willelmi, is simply described, and in two places, as "neptis Willelmi et Serlonis Prioris." She may have been, and, so far as the preceding consideration has weight, probably was, the daughter of another brother, and consequently cousin to Abbot William.

[3] M. wapentac.

[4] M. Hundred. "The union of a number of townships for the purpose of judicial administration, peace and defence, formed what is known as the *hundred* or *wapentake*."—(Stubbs's *Const. Hist.* i. 96.) The occurrence therefore of dues arising out of both hundred and wapentake seems to claim a measure of attention. "The terms wapentake and hundred," continues Professor Stubbs, "are both, in Anglo-Saxon records, of somewhat late occurrence. The wapentake is found only in the Anglian districts, Yorkshire, Lincolnshire, Nottinghamshire, Derbyshire, Rutland, and Leicestershire. To the north the shires are divided into wards, and to the south into hundreds. Hence the wapentake may be a relic of Danish occupation. . . . The Norman lawyers explained the word in reference to the formal recognition of the local magistrate by touching his arms; but this is very questionable, and the exact origin of the term cannot be ascertained, although it unquestionably has reference to the armed gathering of the freemen, and so to the assembly rather than to the district which it represents. The name

medium et per totum, excepto alio servitio Regis ad illam t'ram pertinente, quod mihi reddetur; necnon et de nemore illis concedo ad ædificia sua et ad cætera totius usus sui necessaria, Grants also wood for building and burning, etc., out of

of the hundred, which, like the wapentake, first appears in the laws of Edgar, has its origin far back in the remotest antiquity, but the use of it as a geographical expression is discoverable only in comparatively late evidences. . . . It is very probable . . . that the colonists of Britain arranged themselves in hundreds of warriors; it is not probable that the country was carved into equal districts. The only conclusion that seems reasonable is that, under the name of geographical hundreds, we have the variously sized pagi or districts in which the hundred warriors settled, the boundaries of these being determined by other causes, as the courses of the rivers, the ranges of hills, the distribution of estates to the chieftains, and the remnants of British independence. The fact that the hundred appears first in the laws of Edgar, and with an adaptation to a particular police institution, the pursuit and capture of thieves, might seem to mark the definite application of the name to the territorial area, which may have been called wapentake, ward, or even shire at an earlier period. But the particular measure then adopted seems rather to imply the previous existence of the district name. . . . The tradition preserved by William of Malmesbury that Alfred devised the arrangement into hundreds and tithings, although, as it stands, irreconcileable with facts, may embody a portion of a historical truth. Alfred may have adopted the hundred as a basis for rating, as Edgar did for police, or may have anticipated the measures of his descendants. . . . The wapentake in all respects of administration answers directly to the hundred, and no attempt can be made to account for its origin on the principle of symmetrical division. Nor is it easy to determine the origin of the variety of systems into which the hundred jurisdiction is worked. . . . Yorkshire and Lincolnshire were divided into Trithings or Ridings, subdivided generally into wapentakes; but in Domesday the East Riding is divided into hundreds only, and in Lincolnshire, Northamptonshire, and Rutland, the wapentake and the hundred are arranged side by side. Of the Yorkshire subdivisions two, Borgheshire and Craveshire, the latter of which is never called a wapentake, retain the name of shire; and it is given in later documents to Richmondshire, Riponshire, Hallamshire, Islandshire, Norhamshire, and probably other similar districts. Nottinghamshire, Derbyshire, and Leicestershire are, in Domesday, arranged in wapentakes, but in one place the term 'hundred' is used in reference to a division of the last-named county." We observe that throughout Professor Stubbs writes in the sense hundred *or* wapentake, or that the one, "in all respects of administration, answers directly to" the other. In our present instance we have the service, exaction, or due denoted by the use of the word "wapentac," coincident and collateral with that denoted by the word hundredz; these are as distinct from each other as each is distinct from the county dues (comitatus) mentioned immediately before them, and the circumstance is worthy of note.

his forest, excepting a certain enclosure with dam, holding the Abbey harmless in case of damage by bursting of said dam, with covenant to replace the grant with land elsewhere, if an adverse claim be made good.

sine venditione aliis; excepta claustura cujusdam stagni quæ in illa terra firmabatur, quam mihi retineo; cujus tamen stagni fractione si terra præd., illi affinis, deterioretur, ego, Alanus, et hær. mei illud damnum Ecclesiæ præd. restaurabimus. Hanc itaque terram, supradictis prælocutionibus determinatam, lib. et qu. de me et de omn. hær. meis Ecclesiæ de Wŷtebŷ dedi et concessi, ut supradictum est, et cum prænominato Asza,[1] super ejusdem Ecclesiæ altare, in perpetuum optuli; et si forte evenerit quod aliquis supradictam t'ram calumpniaverit, unde eam ego, vel[2] hær. mei pro me, defendere non poterimus, præd. Ecclesiæ excambium illius alio loco reddemus. Teste. Roberto Presbitero. Willelmo Presbitero.[3] Alano de Perci.[4] Gaufrido de Capeus.[5] Daniel de Hirtuna. Willelmo de Houkesgar; et aliis.

LXXVI.—Hugo de Hotona. [M. 108b.]

Hugo de Hotun grants to Whitby for himself, his wife Petronilla,

(18b) Omnibus[6] vis. vel aud. has litteras, Hugo de Hotuna[7] sal. in Domino. Noverit univ. v. me d. et c. et hac. pr. c. mea conf. Deo et Eccl. S. Petri et [Sanctæ] Hŷldæ de Wŷtebŷ, et mon. ibid. Deo serv., pro me ipso, et pro Petronilla uxore mea, et

[1] M. Aza. [2] M. et. [3] No other witnesses after this point in M.

[4] Necessarily Alanus de Percy le Meschin.

[5] The reading appears to be as in the text. The word may be Capens, but either name is unfamiliar.

[6] This charter is repeated verbatim in No. 351. A little difference in respect of witnesses will be noticed below.

[7] In the Memorial (p. 7) is the entry, "Ex dono Unfredi de Hotun et Susannæ uxoris suæ 1 mans' in Hotune;" and from No. 83 (which is repeated in No. 352) it is made certain that the grantor of the present charter is son of Unfredus, or Humfridus, as he is written in the deeds past named. It also appears from the same source that he had issue, by Petronilla, a son named Richard. Also from a memorandum occurring among the valuable collection of original family charters preserved at Yarm Frierage, it appears that he had issue by his wife Margaret. The memorandum is to the effect that Hugo de Hoton gave the manor of Hoton to Sir Stephen Roselles and Osbert, the Chaplain of Newton subtus Ossebergh Toppyng, in trust, who gave it back to the said Hugo and Margaret his wife and their heirs. Said Hugo and Margaret had issue, John and Sibyl. John, son of Hugo de Menill de Hilton, married a Sibyl, and as the document, now quoted, with its predecessor, is headed "Hilton-Hoton" in their place in the collection, it is probable that this lady is the person in question.

pro animabus patris mei et matris meæ, et Margaretæ et Agnetis, uxorum mearum, unum toftum in v. de Hotona, qui jacet ad caput villæ, tam integre, tam plene sicut Eudo tenuit, salvo fontis cursu qui currit usque ad vivarium meum, in p. et perp. elem., liberum et quietum ab omni servitio sæculari, cum omnibus libertatibus et aisiamentis ad tantam terram in eadem villa pertinentibus. Et quicumque sederit in tofto illo habebit estuveria sua de seckillinis[1] in bosco meo, sine contradictione mei vel hæredum. Istam vero donationem ego, præd. Hugo, et hær. mei, warantizabimus præd. Eccl. de Wẏtebẏ c. o. h. et f. in perpetuum. Hiis testibus. Waltero de Perci de Kildale.[2] Radulfo de Nova Villa. Reginaldo de Rosel.[3] Waltero de Camera; et aliis.

and his two former wives, a toft in Hoton, reserving the water-course, with right to the tenant to take dry wood for his use.

[1] A mediæval Latin word for dry or dead sticks, boughs of trees, etc., such as may be picked up in a wood, having fallen through natural decay.

[2] Son of William de Percy I. de Kildale. There is no question whatever of the independence of the Kildale family from the outset, and as little that they were connections of the main stem. Ernaldus (or, as he is written in one or more of the Gysburne deeds, Ernulfus) de Percy is witness, with Archbishop Thomas of York, to the Foundation Charter of William de Percy Oht les gernuns [No. 27] before 1097 ; in 1119, or before, he gives to Gysburne Priory the church of Ormesby, with the mill of Caldecotes, being styled in the Foundation Charter one of the "homines" of Robert de Brus. He is a witness to No. 111, and also "cum duobus filiis ejus" to No. 271 (the "conventio" between Gysburne and Whiteby). These two sons were Ernaldus (or Ernulfus) and Rodbertus, the former of whom confirms, "Rodberto fratre meo ejusdem donationis concessore et teste," the above-named gift of his father to Gysburne, a carucate of land being also specified as a part of the "donatio" (Gysb. Chart. f. 215). The descent of the Kildale family is continued through Robert, whose son William grants and confirms to Gysburne all his right in the churches of Crathorne and Ormesby and the mill of Kaldecotes, "sicut in cartis Ernulfi de Percy avi mei, et Ernulfi avunculi mei continetur" (f. 215^{b}). The Walter de Percy, witness to the present charter, is this William's son, who, in a deed dated 1224, confirms to Rievaulx the mill of Poker at Friton, "sicut carta Hugonis (de Cammeril) avunculi mei testatur."—Burton, *Mon. Ebor.* p. 360.

[3] In No. 351 this is *Roger de Rosel*, without doubt erroneously. Roger de Rosel is one of the "tres milites" of Robert de Brus named in No. 28, executed in the early part of the twelfth century. There is another Roger de Rosel, cotemporary of Adam de Brus II., whose name is met with as witness to a deed of William Engelram's conveying half a carucate of land, etc., in Ingleby Arncliffe to Gysburne, and to Adam de Brus' confirmation of the same. This Roger might, at least possibly, be identified with the present witness, supposing *Rogero* the right reading; but he would be a very old

LXXVII.—Adam de Engelby de Ecclesia ejusdem Villæ. [M. 18b.]

Adam de Ingleby grants to Whitby the Church of Ingleby.

Notum sit omn. S. M. Ecclesiæ filiis tam præs. quam fut., quod ego, Adam de Aengelby,[1] pro s. a. meæ et pro a. patris mei, et antecess. meorum, donavi et hac pr. c. m. conf. Deo et S. Petro et S. Hẏldæ de Wẏtebẏ, monachisque usque in finem sæculi ibid. Deo serv., in lib. et perp. elem., ecclesiam de Aengelby[1], cum omnibus suis pertinentiis. Hujus donationis[2] meæ testes sunt[3]—Willelmus, Archiepiscopus Ebor.,[4] Simon

man, as there is no reason to think this charter is much if at all before Abbot Roger's time (see No. 83). Reginald de Rosel's name, however, occurs two or three times in deeds of Abbot Roger's time, *e.g.* in Nos. 102 and 348, in the latter of which moreover he is co-witness with the grantor of this charter, Hugo de Hoton. After R. de Rosel's name follows Walt. de Camera, and after him the following are found in No. 351:—Ric' (probably Ricardus and not Richerus) de Fielinga, Willelmo de Whiteby, Waltero de Hoton (identified as frater Hug. de Hoton in No. 255, early in the thirteenth century, as also in a deed on f. 292, Gysb. Chart., in another of Mr. Meynell's, etc.) Willelmo de Toccots, Willelmo de Haukysgarth.

[1] M. Ingelby. [2] *donatione.*

[3] Instead of this sentence M. has simply *Hiis testibus.*

[4] William FitzHerbert, afterwards known as St. William of York, elected 1143, deprived 1147; restored 1153, died 1154. He was in York but thirty days after his restoration. "Either because, as was asserted, court influence had been strongly brought to bear on his election, or for some other reason, the election of William was violently opposed by the party of reformers in the Church, and especially by the Cistercians. The accusations against William were heard at Rome by Pope Innocent, and a judgment was so far given in his favour that his consecration was permitted, provided the Dean of York would state on oath that no undue influence had been exerted on the part of the king. This was done, not by the dean, Hugh de Puiset, himself, who meanwhile had become Bishop-elect of Durham, but by the Bishop of Orkney and the Abbots of St. Mary's and Whitby on his behalf, and William was consecrated at Winchester, September 26, 1143." Afterwards the charges were revived, and the archbishop suspended until the late Dean of York should himself take the required oath. Ultimately, at a council held at Rheims in 1147, William was deprived by the Pope, Eugenius III., of his see.—(Murray's *Northern Cathedrals*, Part I. p. 114.) In No. 200 we have his confirmation of various donations to the convent of Whitby, and among them that of the church of Englebi "quam Adam, advocatus ejusdem ecclesiæ, me præsente, meisque . . . super sanctum altare . . . dedit et optulit." Taking into consideration the friendly offices of the Abbot of Whitby named in the preceding extract, it is nearly if not quite certain that

Canonicus de Kirkeham.[1] Radulphus Presbiter. Albertus Scriptor; et alii.

LXXVIII. Confirmatio[2] Henrici Archiepiscopi de ecclesia de Kirkeby.

Henrico D. G. Archie'po,[3] omnique clero Capituli Ebor., et cunctis S. Ecclesiæ filiis, Adam de Aengelbẏ salutem. Sciatis me, pro s. a. meæ et salvatione antecess. meorum, dedisse Ecclesiæ Wẏtebẏensi in lib. et perp. elem. eccl. meam de Kirchabi, et quicquid ad eam pertinet, ita libere et solide et quiete de me meisque hær. tenendum, sicut aliqua ecclesia liberius, solidius, aut quietius aliquam elemosinam a laico dominio[4] tenet, vel tenere potest. Hujus donationis meæ testis est præsens carta, proprio sigillo consignata. Testes etiam sunt—Radulphus Archidiaconus.[5] Terri Decanus. Willelmus de Rudebẏ. Arnaldus Sac'[6] de Hẏlderwell. Radulfo Sac';[6] et multi alii.

LXXIX. Willelmus Fossard de Ecclesia de Huntingtun.

(19) Omnibus fidelibus S. Ecclesiæ, Willelmus Fossar[d][7] salutem. Sciatis me literis meis confirmasse ecclesiam de Huntentun, quam pater meus in elemosinam dedit Ecclesiæ S. Ehigewini

William Fossard confirms his father's gift of the

the gift specified in the present charter must have been been bestowed not long after 1143; for it is impossible to suppose that such a matter would form part of the transactions of the brief interval of thirty days between the restoration and the death of this persecuted prelate.

[1] This witness is omitted in M. Although he appears in No. 200 he is omitted in the comprehensive Inspeximus of Archbishop John given in No. 296. Albertus Scriptor is also not inserted in M.

[2] Notwithstanding this heading, there is no archiepiscopal action noted in the deed.

[3] Henry Murdac, appointed 1147 on the deprival of William FitzHerbert (see notes to last deed), died 1154. This grant therefore succeeds the last in order of time.

[4] *Ita.* Probably the reading ought to be *domino.*

[5] Not ascertained.

[6] Sacerdos is sometimes used, and sometimes Sacrista, and both are indicated by the same contraction, Sac'. Probably Sacerdos is the right expression.

[7] See notes to No. 69 touching the Fossard family.

church of Hunting-ton to Evesham.

de Evessam libere et quiete. Concedimus itaque Dei benedictionem, partemque[1] nostrarum orationum omnibus qui pacifice eam nobiscum servaverint; qui autem eam inquietaverint, anetema sint. Testes autem hujus beneficii[2] sunt Reginaldus Presbiter; et Galdred;[3] et Henricus Monachus; et Hugo Clericus; et alii.

LXXX. De terra in Livertona.[4] [M. 22.]

Robert de Liverton grants to Whitby a toft in Liverton and eighteen acres of land, twelve in Holmscliff, two in Waithill, two in his own field, and two at Hutcroft.

Notum sit omn. S. M. Ecclesiæ filiis, quod ego, Robertus de Livertun[5] d. et c. et hac m. c. conf. Deo et S. Petro et S. Hẏldæ de Wẏtebẏ,[6] et monachis ibid. Deo serv., unum toftum in Livertun,[5] unius acræ, in campo ejusdem villæ, et decem et octo acras terræ—xii. videl. acras in Holmesclive contra meridiem, et duas in Waẏtehil, et duas in cultura juxta domum meam, et duas acras in Hutcroft,[7] in perp. et pur. elem. pro a. patris mei, et matris meæ, et pro salute a. meæ[8] et hær. meorum. Præfatum vero toftum, cum præd. decem et octo acris, eisdem Monachis contra omnes warantizabo. Hiis testibus. Willelmo de Herleseie.[9] Radulfo Presbitero. Johanne Hulfchillo. Hugone Presbitero. Nicholao Diacono. Gervasio Nepote Abbatis; et aliis.

[1] Written *parentemque*, with the *en* dotted under to show it was an error, and corrected. Charlton takes no note of this, and construes the sentence thus:—"giving the blessing of God and the prayers of all his ancestors (!!) to such as preserved it in peace."

[2] *benefeci.*

[3] Gald'. It may be a contraction for Galfridus,—but is hardly likely to be so.

[4] In the Memorial is this entry, nearly at the end (p. 7):—"Ex dono Rob. de Livertun dimidiam carucatam t'ræ, sine Danegeld, cum additamentis quas Willelmus Decanus nobis adquisivit." This, as well as the confirmation by Henry II. (No. 192), wherein the 18 acres of the present deed are also specified, and which must belong to the "additamenta" of the preceding extract, mark the donations of Robert de Liverton as of early date, the latest of them being probably made not much, if at all, after 1180. Another grant will be found in No. 97, with William de Herlesay also, as in the present case, among the witnesses. In No. 192 the grantor is described as "Robertus filius Nigelli de Livertona." Also again in No. 229 we have a deed by Robert de Livertun, with William de Herlesei one of the witnesses.

[5] M. Livertona. [6] M. Witeby. [7] M. Hudcroft.

[8] *et matris meæ* repeated here in both copies. [9] M. Herlesay.

LXXXI. Item de eodem. [M. 22.]

Omnibus has litteras vis. vel aud., Radulphus de Laceles[1] salutem. Noveritis me dedisse, et hac præs. c. m. quietum clamasse[2] Deo et D'no[3] Petro, Abbati, et Conv. de Wẏtebẏ,[4] pro s. a. meæ et antec. successorumque meorum, totum tenementum, cum omnibus pertinentiis suis et libertatibus et asiamentis, infra willam de Livertona et extra, ad illud tenementum pertinentibus, quod tenui de prædictis Petro Abbate et Conventu de Wyteby,[5] in villa in territorio de Livertona; et humagium et serv. Stephani de Rosel, et totum jus et clamium quod pater meus, et ego, Radulphus, et hær. mei habuimus, vel habere potuimus, in præd. tenemento per cartam ab eisdem prædictis Petro, Abbate, et Conventu jamdudum nobis collatam. Et in hujus r. t. huic scr. sig. meum apposui. Hiis testibus. Gald' Macũ. Waltero de Camera. Willelmo de Kirtona.[6] Reginaldo[7] de Rosel. Roberto de Buterwic. Alano filio Brien. Willelmo de Laceles. Petro de Livertuna; et aliis.

Radulf de Lascelles quitclaims to Abbot Peter all the tenement in Liverton hitherto held by him of the Abbey, and also the homage and service of Steph. de Roselles.

LXXXII. Confirmatio Rogeri de Mubray de ii. Carucatis in Toulestona.

Rogerus de Mulbrai, omn. S. M. [Ecclesiæ] filiis, præs. et fut., qui visuri vel aud. estis has litteras. Scia[ti]s me indulsisse et quietam clamasse (19ᵇ) Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebẏ in elemosinam, pro animabus patris et matris meæ et pro salute mea, et filiorum meorum, omne servitium quod ad me pertinebat de illis duabus carucatis terre de Tollestun quas Fulcho Dapifer[8] dedit eidem Ecclesiæ de Wytebi. Quare mando atque præcipio omnibus hominibus meis, Francis et Anglis, ut, sicut me amant, manuteneant hanc elemosinam meam, quam ita volo esse liberam et quietam, sicut aliqua elemosina potest esse liberior et quietior. Insuper prohibeo et

Roger de Moubray quitclaims to Whitby all his right in the two carucates at Thouleston the gift of Fulcho Dapifer, and remits all services and customs due out of said land.

1 The connection of the Laceles family with Liverton, situate within the Brus fee, is not evident.

2 M. *confirmasse*, in place of *quietam clamasse*.

3 M. Dompno. 4 M. Witeby. 5 M. omits "de Witeby."

6 M. omits the uncertain Gald' Macũ, and all after Rob. de Butterwick, and reads Kilton' instead of Kirton'. 7 M. Rogero.

8 See No. 88.

defendo omnibus hominibus meis, ut nullum servitium nec aliquam consuetudinem de forinseco servitio pro eisdem duabus carucatis terræ exigant vel accipiant. Testibus. Gundree, matre mea. Nigello, filio meo. Atheliza, uxore mea. Roberto de Davidvilla. Rogero de Flammavilla. Waltero de Riparia. Herberto de Queingburc;[1] et aliis.

LXXXIII. De tofto in Hoton juxta Gisburniam.[2]

Roger, Abbot of Whitby lets to Richard, son of Hugo de Hoton, a toft and croft, the gift of his grandfather, Humfridus, for an annual payment of 12d., with remainder to the Abbey if Richard dies without issue.

Omnibus has litteras vis. vel aud., Rogerus D. G. Abbas de Wÿtebÿ et ejusdem loci Conventus, salutem. Noverit univ. v. nos dimisisse D'no Ricardo, filio D'ni Hugonis de Hotona,[3] toftum cum crofto quod dominus Unfridus, pater dicti Hugonis, dedit Ecclesiæ nostræ de Wÿtebÿ, pro s. a. suæ, et antecess. suorum et success. suorum:—reddendo nobis inde annuatim xii. denarios, medietatem ad Pentecosten, et med. ad f. S. Martini. Si vero dictus Ricardus hæredem de se non habuerit, dictum toftum cum crofto, et ædificiis super-ædificatis prius decessum ipsius, quietum nobis remanebit. Et in hujus r. t. præs. scr. sigillum Capituli nostri ap[p]osuimus; et dictus Ricardus transcripto cirograff[at]o sigillum suum apposuit. Hiis testibus. D'no Willelmo de Thocotes.[4] Stephano de Rosel.[5] Johanne de Thocotes.[6] Thoma de Houkesgart.[7] Ric. de Filinga.[8] Rogero de Hirtuna;[9] et aliis.

LXXXIV. De iii. bovatis terræ in Caytona. [M. 105.]

William, son of Durand de Cayton, rents of Whitby

Omnibus S. M. Ecclesiæ filiis, Willelmus, filius Durandi de Keithuna,[10] salutem. Noverit univ. v. quod ego suscepi[11] de E[c]clesia de Wÿtebÿ tres bovatas t'ræ [cum] pertinentiis, quas Robertus pater[12] meus præd. Ecclesiæ vendidit; cujus rei ego

1 Herbert Quonigbur in No. 258.

2 Identical with the document No. 352.

3 See No. 76.

4 Toccotys in No. 352.

5 Rosell' in No. 352.

6 Tocotys in No. 352.

7 Haukesgarth in No. 352.

8 Ric' de Ffyelinge in No. 352.

9 Hyrton' in No. 352.

10 M. Kaytona.

11 *suscipi.*

12 M. omits "Robertus," but writes "pater," which is clearly wrong, notwithstanding the fact that the same reading is found in the present deed in A. also. No. 243 shows that it was Robert, brother of Durand de Kayton, and consequently uncle of the present grantor, who sold the land in question to the Abbey, so that "avunculus" is the proper reading.

in carta patris mei testis et concessor sum scriptus; et unam bovatam in eadem villa, quam pater meus in pur. et perp. elem. dedit, cum terra de Stikewalbut,[1] tantum in vita mea de Mona[c]his præfatæ Ecclesiæ tenenda:—Reddendo inde eis annuatim x. solidos ad duos terminos, scil. quinque ad Pent. et quinque ad f. S. Martini: et præter hos x solidos, quos prænominatis Monachis ex integro persolvo, remanent (20) mecum triginta duo denarii. Post obitum vero meum tota ista præn. terra antedictæ Ecclesiæ remanebit libera et quieta de me et hær. meis. Hiis testibus. Rogero de Okesgard.[2] Ricardo de Dunesleẏe. Waltero Capellano; et aliis.

three bovates bought of his uncle, and one bovate which his father had given to the Abbey, with the land of Stikewalbut, paying them 12s. yearly for all.

LXXXV. De dimidia acra in Engelby.

Sciant omnes, præs. et fut., quod ego, Stephanus Hai, dedi et hac pr. c. m. confirmavi Deo et Ecclesiæ S. Andreæ de Engelbẏ unam dimidiam acram t'ræ in Engelbẏ, scil. forinsecam apud aquilonem de meis duabus bovatis in Aistangarthes, pro s. a. meæ et animabus patrum ac matrum et antecessorum meorum, in lib. et pur. et perp. elem.:—Tenendam de me et hær. meis, libere et quiete ab omni sæculari servitio et [ex]actione. Et ego et hær. mei waurauntizabimus præd. elem. præd. Ecclesiæ in perpetuum. Hiis testibus. R . . ., Persona de Engelbi. Waltero Capellano. Henrico Diacono. Arnaldo Diacono. Willelmo Lana [*or* Lane ?]; et aliis.

Stephen Hai grants to the church of St. Andrew at Ingleby half an acre of land in Ingleby.

LXXXVI. Adam de Engelby de Ecclesia de Kirkeby. [M. 19^{b}.]

Henrico, D. G. Archiep'o, omnique clero Capituli Ebor., et cunctis S. Ecclesiæ filiis, Adam de Aengelbi[3] salutem. Sciatis me pro s. a. meæ et pro salvatione antecessorum meorum, ded. et hac pr. c. mea conf. Deo et S. Petro et S. Hẏldæ de Wẏtebẏ, monachisque usque in finem sæculi ibid. Deo serv., in lib. et perp. elem., ecclesiam de Kirkebi, cum omn. quæ ad eam pertinent. Hujus donationis meæ testes sunt, etc.

[1] M. Stikelwalbut. [2] M. Haukesgarth.

[3] *Angelby.* This is very nearly the same document as No. 78. The only difference is in parts of the phraseology employed. The witnesses also are the same, save only there is one short here.

LXXXVII. De una acra in Uplium. [M. 24.]

Universis S. M. Eccl. filiis, tam pr. quam fut., Robertus, filius Roberti Clerici, salutem. Noverit univ. v. me, pro s. a. meæ et hær. meorum, conc. et dedisse, et hac pr. c. m. conf., Deo et S. Petro et S. Hẏldæ,[1] et Sacristæ de Wẏtebẏ in pur. et perp. elem. unam acram t'ræ in territorio de Huplium;[2] scil. dimidiam acram ad Helewaldessceld, et dim. acram juxta viam de Lium, lib. et qu. ab omni servitio et sæc. exactione. Ego, vero, et hær. mei præd. t'ram Deo et S. Petro et S. Hẏldæ et Sacristæ de Wẏtebẏ c. o. h. in perp. warentizabimus. Hiis testibus. Willelmo Buscel. Willelmo de Tochotes.[3] Waltero de Samara. Alano de Perci;[4] et aliis.

LXXXVIII. De ii. Carucatis terræ in Toulestona.

Fulco Dapifer, with consent of Osbert de Arches, grants to Whitby two carucates in Tolestun.

Notum sit omn. aud. et vid. has litteras, quod ego, Fulco,[5] concedente domino meo, Osberto de Arches,[6] dedi et super altare S. Petri et S. Hẏldæ de Wyteby optuli Deo, et monachis ibid. Deo serv., (20[b]) duas carucatas t'ræ in Tholestun, pro s. a. me[æ] et pro animabus parentum meorum, et omnium successorum meorum, lib. et qu. ab omni serv. et ab omni cons. sæc., in perp. elemosinam. Huic donationi interfuerunt hii testes. Arundel.[7] Gaufridus de Arel'. Odo Capellanus. Ricardus de Lindesei; et alii.

[1] M. "de Witeby" inserted here and omitted after Sacristæ.

[2] M. Uplium.

[3] M. Toscotes.

[4] Alan de Percy, le Meschin.

[5] and [6] See Introd. Chap., and Nos. 82, 89, 253.

[7] There is no Christian name given in this instance. That the charter was granted in Alan de Percy's time, or before 1133, there can be little or no doubt. Between 1139-1148, in other words in Abbot Benedict's time, the advowson of Sneton was granted to John Arundel (see next charter, No. 89, and No. 101), who, it is at least probable, was son of this witness, and not this witness himself. In one or two other instances in this Chartulary the ordinary Christian name is omitted, as *e.g.* in No. 173, where "Fossard, prece mea" is found at the head of the witnesses, William Fossard of No. 92 being almost certainly the person meant. A second instance of the occurrence of the present witness's name without a distinctive (or "Christian") name prefixed, is in No. 253, where he appears as "Harundel."

LXXXIX. De Duabus carucatis in Toulestona.

Sciant omnes aud. et vid. litteras has, quod ego, Robertus, filius Fulconis,[1] una cum consensu et licentia D'ni mei, Willelmi de Arches,[2] concessi, et per unum bacillum super altare optuli Deo et fratribus Wÿtebÿensis Ecclesiæ duas carucatas t'ræ in Tolestuna, pro s. a. meæ, et pro animabus parentum meorum, et omnium amicorum meorum, ita liberas et quietas sicut pater meus, Fulco, easdem carucatas præd. Ecclesiæ et fratribus diu ante donaverat in elemosinam. Huic dono interfuerunt et sunt testes, videl. isti — Willelmus Canonicus de Perci.[3] Alanus filius Alani de Perci. Johannes Arundel; et alii.

Robert fitz-Fulco Dapifer, with consent of Will. de Arches, confirms to Whitby the the two carucates in Toleston, his father's grant.

XC. Robertus Chambord[4] de Ecclesia de Slengesby.

[M. 122.]

Notum sit omn. S. M. Ecclesiæ filiis, tam præs. quam fut., quod ego, Robertus Chambord, pro s. mea,[5] et pro animabus patris et matris meæ, omniumque prædecess. meorum, donavi, et hac pr. c. m. confirmavi Deo et S. Petro, Sanctæque Hildæ de Wÿtebi, monachisque usque in finem sæculi ibid. Deo, serv., in lib. et perp. elem., ecclesiam de Singelbi,[6] cum omnibus libert. et pert. suis, salva tenura Samsonis Clerici quamdiu

Rob. Chambord confirms to Whitby the Church of Slingsby.

[1] Three sons of Fulco Dapifer are named in A., viz., Robert here, Gilbert in No. 26, and William in No. 279; of these Gilbert is also named in M. in No. 405, on the recital of No. 209, where he appears as one of the witnesses whose names are omitted in the latter, and is described as "Gilbert' canonicus filius Fulconis."

[2] No doubt the heir and successor of Osbert de Arches, named in the preceding charter.

[3] Doubtless the son of William de Perci, hote Lesgernuns, by Emma de Porte, mentioned as such in No. 27, and again as brother of Alan de Percy I, in No. 28. There was also a later William de Percy, Canonicus, of York, who in 1268 is witness to a settlement between Abbot Robert of Whitby and Nicholas de Hastings (No. 320). He was great-grandson of Agnes de Percy by Joceline of Lovaine.

[4] See Memorial (p. 5)—"Ex dono Will. Hai et Roberti Chambord, ecclesiam de Slingebi." See No. 91, and cf. Will. Hei in No. 214.

[5] *mee.* *Anime* inserted in M. before *mee.*

[6] M. Slengesby.

vixerit, et in sæculari habitu fuerit. Ipse vero Samson, Clericus de Slingelbi, ibi præsens affuit, et in communi libere hanc præf. donationem concessit. Testibus. Radulfo Sac[erdote]. Rogero Sac[erdote]. Ricardo Capellano de Samara.[1] Henrico de Perci.[2] Bartholomeo de Thorni; et aliis.

XCI. Masci de Curci de Ecclesia de Slengesby. [M. 122.]

Masci de Curci, with assent of his wife and heir, confirms to Whitby the Church of Slingsby.

Notum sit omn. S. M. Eccl. [filiis], vid. vel aud. has litteras, tam præs. quam fut., quod ego, Masci de Curci, Matilda, conjuge mea et sponsa, et Ricardo, filio meo et hær., concedentibus et assensum præbentibus, d. et conc. et hac c. m. conf. Ecclesiæ S. Petri et S. Hildæ de Wẏtebi, et monachis ibid. Deo serv., ecclesiam de Sclingasbi,[3] cum omn. pert. suis, in lib. et quiet. et perp. elem., sicuti Willelmus Haii[4] eam præd. Ecclesiæ dedit et concessit. Hii sunt testes—Radulphus Sacerdos. Rogerus Sacerdos. Godwinus Sacerdos. Robertus Diaconus. Idem Willelmus Haii, a quo prima facta est donatio. Willelmus de Friebois. Willelmus de Houkesgart, et Rogerus, frater ejus. Normannus Mon[e]tarius; et alii.

XCII.[5] (2φ) Confirmatio R[6] Fossard. [M. 103b.]

William Fossard confirms the grant by Aza, son of Wymund de Locking-ton, to Whitby of 3s. yearly payable out of land in Midelton.

Sciant tam præs. quam fut., quicumque has litteras viderint vel audiverint, quod ego, Willelmus Fossardus, concedo et præs. c. m. confirmo donationem quam fecit Aze filius Wimundi de Lochintona[7] Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebẏ, et monachis ibid. Deo serv., scil. tres solidos annuatim eis reddendos, in pur. et perp. elem., de illa bovata t'ræ quam Raghanaldus tenuit de præd. Aze in Mideltona. Testibus hiis. Willelmo Capellano. Radulfo Capellano. Willelmo

[1] M. This and the following witnesses omitted.

[2] See Nos. 57, 59. [3] M. Slengesby. [4] M. Hay.

[5] There are two folios numbered 20 in A, the second of which is distinguished as 2φ. The present deed stands first on this second folio.

[6] Headed thus, but the name in the body of the deed is Willelmus. See No. 79, and note No. 173.

[7] M. Aza de Lokinton' filius Wymundi.

de Perci.[1] Hugone Clerico de Bautthona.[2] Rogero Clerico; et aliis.

XCIII. De dimidia Carucata in Wicham. [M. 100.]

Omnibus Sanctæ Dei Ecclesiæ fidelibus, Paganus, filius Osberni, salutem. Sciant omnes aud. vel videntes litteras has, quod ego, Paganus, pro s. a. meæ, et pro domino[3] meo, Roberto de Brus, et ejus conjuge Anneis,[4] et omn. pueris illorum, et pro a. patris mei, Osberni, et filii mei, Thomæ, et pro omn. parentibus,[5] tam pro vivis quam pro defunctis, donavi Deo et Fratribus de Wẏtebẏ,[6] et per unum baculum, in die festivitatis S. Hẏldæ, multis videntibus, quem[7] super altare optuli, unam dimidiam carucatam t'ræ in Wicham,[8] de feudo Roberti de Brus, et unum toftum de eodem feudo, solutam et quietam de omnibus rebus, præter Danegeldum Regis. Huic dono interfuerunt, et sunt testes, isti—scil. Hugo, Presbiter de Huverham.[9] Archil, Presbiter de Lithum. Alexander, filius ejus. Odo, Presbiter de Brumtune; et alii.

XCIV. Quieta Clamatio Rogeri de Hameldon.

Rogerus de Homeldun, om. hom. tam præs. quam futuris, salutem. Noverit univ. v. me quietum-clamasse, et per h. c. meam conf. Johanni, Abbati de Wẏtebi, et Conv. ejusdem loci, jus totum quod habui, vel quod aliquis antecessorum meorum

Roger de Homeldun quitclaims to Abbot John of Whitby all

[1] Probably William, son of Alan de Percy. In M. no other witnesses are given after Will. de Percy.

[2] A probable suggestion as to the locality here indicated is difficult to make. The third letter is so much like *u*, and so little like *n*, or else Bainton might be assumed to be the place.

[3] *D'ico.*

[4] Agnes.

[5] M. supplies "meis" here.

[6] M. Whiteby.

[7] M. omits "quem," which, however, is necessary to complete the construction and sense.

[8] To the Manor of Walesgrif and Berewic of Nordfeld, in Terra Regis (*Domesday*, *Yorks.*, f. iii), appertained Soke of Wicham, and on f. lxxi, in the definition of the Brus Fee, is the entry, "In Wicam. dim. carucata." This must be the half carucate in question in this deed.

[9] M. Hewerham. What modern place is represented by this name it is hard to surmise, except it be Owram.

his right in the two carucates at Hetun and Oxnam.

habuit, in duabus carucatis t'ræ, cum pert., in Hetun et in Oxeneham,[1] salva mihi et hær. meis dimidia marca argenti, quam recipiam per manum Ricardi de Hetun, vel de hær. suis, ad duos terminos; scil. medietatem[2] ad f. S. Martini, et med. ad Pentecosten. Hiis testibus. D'no Willelmo Priore de Kelch'. Galfrido Cantore. Nigello, Canonico de Jedewrd. Waltero, Senescallo ejusdem loci. Rogero Monacho; et aliis.

XCV. Quieta Clamatio N. . . .[3] de Atona.

John, son of Hugh de Aton, grants to Whitby the homage and service of Nicholas fitzPeter de Ayton, with a toft and croft.

Omn. S. M. Ecclesiæ filiis, ad quos pr. c. pervenerit, Johannes filius Hugonis de Atona,[4] salutem. Sciatis me d. et conc. et hac. c. m. conf. Deo et B. Petro et S. Hildæ de Wÿtebi, et Abbati et Conv. ejusdem loci, in pur. et perp. elem., pro s. a. meæ, et antec. (2ϕ^b) et success. meorum, humag. et serv. Nicholai, filii Petri de Atona, et hær. suorum, cum tofto et tota terra quam dedi præscripto Nicholao et hær. suis, pro hum. suo et serv., in villa de Atona, sicut testatur in carta quam præd. Nicholaus habet de me, tam libere et quiete sicut aliqua elemosina melius et liberius dari potest. Et ego Johannes et hær. mei omnia præscripta Abbati de Wÿtebÿ, et monachis ejusdem loci, c. o. h. in perp. warentizabimus, et in h. r. test. præs. scr. sig. meum apposui. Hiis testibus. D'no Roberto de Stutevilla.[5]

[1] See Nos. 57-64, 211.

[2] A. inserts "et" here, unnecessarily.

[3] So in the heading in A. The reference of course is to Nicholas de Aton, named in the body of the charter. This deed is repeated in No. 348, with eight additional witnesses noticed below.

[4] In No. 176, Hugo, filius Gerardi de Atona, gives to Whitby four acres, odd roods, etc.; Roger de Stutevill and Roger de Bosco, one of his "milites," being the two first witnesses, as in the present instance also. Probably the Hugo de Aton is the same in either charter.

[5] It is perhaps not altogether difficult to identify this witness. In No. 73, William de Stutevill confirms the Church of Ayton in Cleveland to Whitby, and clearly in the latter part—probably the last ten or twelve years—of the twelfth century. The present deed as certainly dates within the first part of the thirteenth century, as is clear from the names of several of the witnesses met with in the duplicate copy in No. 348, and again, in the same manner, in a charter of Robert Falconarius de Thormonby, given in the Percy Feodary, to which Stephen de Meynell, still a minor in 1206 (if not in 1217 also), John de Bulmer, Adam de Hilton, Ingram de Bovington,

Rogero de Bosco, milite suo. Hugone de Hotona;[1] et aliis.

XCVI. WILLELMUS BOYE DE GODELAND. [M. 98.]

Willelmus Boie, omn. has litteras aud. et videntibus, tam præs. quam fut., salutem. Sciatis me d. et conc. et pr. c. mea conf. Deo et S. Mariæ[2] de Golanda,[3] et fratribus ibid. Deo William Boye grants to S. Mary of

Robert de Pothow, and others of like date, are co-witnesses with Robert de Stutevill. What the relationship, however, between the said Robert de Stuteville and the William de Stuteville of No. 73, may have been, though nowhere hinted at in the present series of documents, is apparently a matter of tolerably direct inference. According to Dugdale, Robert de Stuteville I. was living in 1080 and 1107; his son, Robert de Stuteville II., was at the battle of the Standard in 1138, was assessed to an aid for marrying the King's daughter in 1166, was Sheriff of Yorkshire 1170-1175, and was still living in 1177, if not, inferentially, for some time after that. Robert III., son of Robert II., is merely mentioned, without any dates, as a benefactor of Rievaulx; but his son William is named as taking an active part in public matters as early as 117¾, and as dying in 1204. Passing by the various difficulties and perplexities involved in this statement, and especially as collated with the statements made in reference to these same noblemen by Orderic Vitalis, as not of great (if any) interest to the present inquiry, and merely hinting in relation to them that it is more than probable that in more than one of the references the second and third Roberts are confounded together, it remains to be noticed that the William de Stuteville last mentioned as dying in 1204—a date which tallies well enough with that necessarily given to No. 73,—a direct lineal descendant, moreover, of the Robert de Stutevill named by Graves as grantor of Ayton, had two sons, Robert and Nicholas, by his wife Berta, niece of Ranulph de Glanville. Of these, Robert died *s.p.*, leaving his brother Nicholas his heir. This Robert appears certainly to be the witness to the present deed, and the others already noted as attested by him and Roger de Bosco. Moreover, it was through Johanna, the granddaughter of Nicholas just named, that the Ayton property passed into the Wake family.

[1] The additional witnesses, as given in No. 348, are Reginald de Roselle, Radulphus de Nevylle, Willelmus de Mauteby (Maltby), Willelmus de Tocota, Rogerus Persona de Semar, Thomas Capellanus, Walter' de Hoton, and Walter' de Morton.

[2] The dedication of Goathland Church is to S. Mary, and the probability is that the "Eremitorium" of the Fratres endowed by Henry I. (No. 195), and who eventually commended themselves to Whitby with that king's sanction, in order to become a cell of the Abbey of like order and habit, was closely connected with the ancient parochial church. This deed must probably precede the commending of the Eremitorium to Whitby.

[3] M. Gotheland.

Gothland a toft in Lockton.

serv., unum toftum in Lockeintun,[1] qui est inter Thomam et Martinum,[2] pro animabus patris mei et matris meæ, et pro. s. a. meæ, in lib. et pur. et perp. elemosinam. Teste. Galfrido Capellano. Hugone, Clerico de Pikeringa. Wigot de Beverleia:[3] Ricardo fratre ejus; et aliis.

XCVII. Quieta Clamatio Roberti de Livertona de xii. denariis. [M. 22b.]

Robert de Liverton remits and grants to Whitby 12d. yearly, hitherto payable to him out of a certain toft given by him to the Abbey.

Notum sit omn. vid. et audientibus has literas, quod ego, Robertus de Livertuna,[4] d. et conc. et hac m. pr. c. conf. Deo et S. Petro et S. Hildæ de Wytebi,[5] et monachis ibid. Deo serv., xii. denarios, quos solebam recipere[6] annuatim de eisdem monachis, pro uno tofto quod concesseram ante præd. monachis in perp. et pur. [elemosinam], et quietam et lib. ab omni terreno servitio, pro a. patri[s] mei et matris meæ, et antecess. meorum, et pro s. a. meæ, et uxoris meæ, et success. meorum. Hiis testibus. Willelmo de Herleseie.[7] Willelmo de Lid[um].[8] Helia de Livertona.[9] Roberto filio Ivonis; et aliis.

XCVIII. Confirmatio Johannis de Torentona et Ysoudæ matris suæ. [M. 99.]

Joh. de Thornton, son of Gilbert, Parson of Thornton, and his mother Ysolde, confirm the grant made to Whitby by by the said John, son of Alan Forester

Omn. Christi fidelibus ad quos hoc scr. pervenerit[10] Johannes de Thornetona, filius Gileberti, Personæ de Thor[n]tona, et Ysoude,[11] mater ejus, æternam in D'no salutem. Noveritis nos ratam et gratam habere donationem quam Gilbertus, Persona de Thorneton, filius Alani Forestarii, dedit Ecclesiæ S. Petri et S. Hildæ de Wÿtebi,[12] in elemosinam, de terra quam emimus[13]

[1] M. Loketona.

[2] Martinū is the reading of A, and consequently decides that of Thomam.

[3] *Boverleia* in A.; omitted, as well as the next, in M.

[4] M. Livertona. See Nos. 80, 229, and the confirmation of Henry II. (No. 192).

[5] M. Witebi. [6] M. percipere. [7] M. Herlesaya.

[8] Will. de Lyth is a witness to No. 12, dating early in the fourteenth century; but the date of the present charter is at least 100 to 110 years earlier than that.

[9] This witness and the next are omitted in M.

[10] M. instead of this phrase has "visuris vel audituris."

[11] M. Isouda. [12] M. Whiteby. [13] Written *emi'*.

de Radulpho Bardulf[1] in villa de Thor[n]tona, secundum tenorem cartæ ejusdem Gileberti.[2] Et in h. r. t., ad majorem securitatem, sig. nostra huic scr. apposuimus. Hiis testibus. Rogero Capellano. Magistro Hugone de Fostona. Willelmo de Waled[en];[3] et aliis.

of the land bought of Rad. Bardulf in Thornton.

XCIX. (21) Conventio inter Abbatem et Priorem de Gisburnia. [M. 20.]

Michael, Prior of Gysburne, agrees to pay to Whitby 10 quarters of corn yearly at Arsome or at Merske, as they desire, in lieu of the tithes of Upleatham and Merske, farmed to Gysburne, with power to Whitby to take the said tithes into their own hands on breach of contract by Gysburne.

Omn. hoc scr. vis. vel aud., M[ichael],[4] Prior, et Conventus de Giseburnia, salutem. Noveritis nos debere solvere, singulis annis, ad Pent., Abbati et Conv. de Wÿtebi x. quarteria de frumento pacabili, apud Arusum,[5] vel apud Mers[6] in Clivelandia, ubi ipsi potius elegerint, pro decimis suis quas percipere soliti fuerint de dominicis de Uplium[7] et de Mers,[6] et quas ipsi nobis concesserunt, tenendas de eis in perp. pro præd. firma. Itaque si nos, præmoniti in aliquo anno ad terminum statutum, non solverimus præd. bladum, licebit prædictis Abbati et Conventui de Wÿtebi easdem decimas in manus suas capere, et de eisdem voluntatem suam sicut[8] soliti fuerant absque nostra contradictione facere. Teste—Capitulo nostro.

C. Willelmus Wirefauc de prato in Gildhustoftes. [M. 27b. 30.]

William Wirfauc

Omn. S. M. Ecclesiæ filiis has litteras[9] vis. vel aud., Willelmus Wirfauc[10] salutem. Noveritis me ded. et hac pr. c. mea

[1] M. Bardouf.

[2] M. Gilberti. For the charter adverted to see No. 162, in which the site of the land in question is described.

[3] Witness to No. 18 with Abbot Roger (1222-44). The preceding witness also attests many deeds of about the same period.

[4] Michael, elected "about 1218," and from documents in Gysburn Cartulary (Fines with Peter de Brus II.) still in office in the years 1223, 1228, and 1234.

[5] M. Arsome. [6] M. Merske.

[7] M. Uplithome. The tithes here adverted to are noted in Nos. 26, 27, etc.

[8] M. sicud. [9] Written *hac litteris*.

[10] This name is written Wirfauc, Wirfauk, Wirfald, Wirfaud, and in 1662 (one of several entries in the Parish Registers of Easington) Worfolk. In the inq. p. m. Thomæ de Thweng (48 Edw. III.) the name Roger de Wyrkfauke

grants to Whitby 4 perches square of meadow in Gildhus-tofts between Ellerby and Hinderwell.

conf. Deo et S. Hildæ et Monachis de Wŷtebi, quatuor perchatas t'ræ in latitudine et quatuor percatas in longitudine de prato in Gildhus toftas[1] super viam inter Hilderwelle[2] et Elverdebŷ,[3] in pur. et perp. elem. pro a. patris mei et matris meæ et antecess. meorum—Tenendas et hab. de me et de hær, meis, lib. et quiete ab omni sæculari servitio. Ego vero, Willelmus, et hær. mei præd. t'ram warentizabimus præf. monachis c. o. h. in perp.: et ut hæc donatio firma sit,[4] hoc scr. sig. meo confirmavi. Hiis testibus.[5] Willelmo de Galmetona. Roberto de Acclum. Roberto de Barnebi. Gregorio de Neutona; et aliis.

CI. Johannes Arundel de II. solidis. [M. 57.]

John Arundel grants to Whitby 2s. yearly compensation for an encroachment made between Buscohead and Brucegarth.

Sciant omnes tam pr. quam fut. quod ego, Johannes Arundel,[6] conc. et pr. c. mea confirmavi Monasterio de Wŷtebŷ, et monachis ibid. Deo serv., duos solidos, annuatim percipiendos de me et de hær. meis in perpetuum, scilicet. xii. den. ad Pent., et xii. den. ad f. S. Martini, pro proprestura illius t'ræ quæ jacet inter Buscohoved[7] et Brusegarth, quam scil. t'ram circu[m]ivi

occurs. In the Memorial (p. 7) there is the following entry:—"Ex dono primi Willielmi Wirfaud, dim. carucatam t'ræ in Hilderwelle, cum una mansura." No. 426 [from M. f. 28] conveys half a carucate in Hilderwell, with a toft in the same vill, to Whitby "concedente filio meo Willelmo." The latter is doubtless the grantor of the present charter, which, as is evidenced by the names of the two first witnesses, both cotemporaries of Peter de Brus I. (the latter especially being a frequent signatary to charters by that baron), Alan de Wilton, etc., belongs to quite the early part of the thirteenth century. It is nearly certain from Nos. 428 and 429 (a confirmation of the same donation by Osbert Wirfauch, and a deed of further gift by his son William Wirfauc de Hilderwell) that the said Osbert was son of the second William.

[1] M. Gildehoustoftes. [2] Hilderwellam. [3] M. Elredby.

[4] *sic.* [5] M. gives no names of witnesses.

[6] No. 183 is a grant by Abbot Benedict (1139-1148) of the advowson of the Chapel of Sneton to John Arundel. In No. 253, a charter of Fulco fitzRaynfrid's, we meet with, next after Will. Canonicus de Perci, "Harundel, et Johannes filius ejus." The latter is the John Arundel of the present charter, of No. 89 (a witness), and of No. 180. Probably 1160-1165 may be assigned as a reasonable limit for the date of either No. 89 or the present charter.

[7] M. Bursohevd'.

injuste, contra voluntatem prædictorum monac[h]orum, per quoddam fossatum. Hiis testibus.[1] Radulfo, filio Willelmi, tunc temporis Constabulario Scartheburg. G. . . . Clerico, eodem tempore Senescallo de Witebi. Roberto de Buleford; et aliis.

CII. Johanna Arundel de terra de Riswarp. [M. 58.]

Omn. Christi fidelibus hoc scr. vis. vel aud., Johanna, filia Reginaldi Arundel de Snetuna,[2] salutem. Noverit univ. v. quod ego, tempore viduitatis meæ, conc. et d. et hac pr. c. mea conf. Ecclesiæ B. Petri et H. Hyldæ de (21b) Witebi[3] et mon. ibid. Deo serv., in pur. et perp. elem., pro s. a. meæ, et antecessorum meorum, t'ram quam Radulfus Surenssis aliquando tenuit in villa de Risewarp,[4] cum tofto et crofto præd. t'ræ pertinentibus, et omnibus aliis libert. et asiam. ad eandem spectantibus, infra villam et extra, absque ullo retinemento: et insuper, unam acram t'ræ quam Orm[5] aliquando tenuit in eadem v. propinquiorem, videl., tofto prænom. versus orientem: Tenendas et hab. lib., et quiete ab omni servitio in perpetuum. Ego autem,[6] præd. Johanna, et hær. mei warentizabimus et def. præd. t'ras, cum pertinentiis suis, præd. Ecclesiæ et prædictis monachis c. o. h., ab omn. consuetud. et exact. sæcularibus. Hiis

[1] M. gives no witnesses' names.

[2] M. Snetona. The lady here named is probably a granddaughter of John Arundel, grantor of the last charter, though her father Reginald is nowhere mentioned as the son of the said John. Still, by inference from the descent of the lordship of Sneton and the succession of dates, such a conclusion is quite consistent with reason as well as probability. There was also an Osbert Arundel, who may have been brother to Reginald, or even uncle; but this is merely hypothesis. Johanna Arundel was at least twice married. In No. 460 she speaks of one Richard Vertdos as her "D'nus et sponsus," while in No. 134 she describes herself as, when she grants that charter, "Uxor Rogeri de Bayuse," one of the witnesses to the charter, moreover, being Roger Arundel, her brother. I am disposed to think the Baius marriage was the first; and that she granted the present charter, and No. 457 also, during her widowhood, is apparent from the terms of either. Probably Agnes de Beyus, who, in 1252, enters into a convenit with the Abbey (No. 461), was her daughter by the Baius marriage. As to the probable descent of Roger de Baius see under No. 134.

[3] M. Whiteby.

[4] M. Risewarpe.

[5] Omitted in M.

[6] *auatem.*

testibus.[1] Rogero de Nevilla. Ricardo de Perci de Dunesle. Reginaldo de Rosel. Galfrido de Geddinges; et aliis.

CIII. Quieta Clamatio de Saureby.

William of Albemarle quitclaims and abjures to Whitby his life-tenancy in Soureby.

Willelmus, Comes Albemarliæ, Rogero Archie'po Ebor. et toti capitulo[2] Ecclesiæ S. Petri ejusdem loci, et omnibus clericis et fidelibus laicis Ebora[sc]hiriæ, salutem. Sciatis quod tenuram de Saurebi, quam Ricardus,[3] Abbas de Wýtebi, et ejusdem loci Capitulum michi in vita mea tenendam concesserunt et dederunt, juravi quietam et liberam fore præd. Ecclesiæ p. m. meam ab omni calumpnia, tam de me quam de hær. meis. Non enim illam suscepi tenendam jure aliquo successionis, set tantum in vita mea, et ideo vos diligenter obsecro quod super hoc vestrum adhibeatis testimonium, si forte post mortem meam circiter hoc iniquitatis scrupulus exortus fuerit. Waleatis. Hii sunt testes:—Radulfus Sacerdos de Witebi. Robertus clericus Com[itis]. Walterus Diaconus; et alii.

CIV. De decimis dominii de Boytorp.

Henry de Boythorp confirms the donation of his ancestors, viz., two-tenths of the tithes of corn in his demesne of Boythorp.

Notum sit omnibus vid. et audientibus has litteras, quod ego, Henricus de Boithorp,[4] concessi, et præs. c. mea conf., Deo et S. Petro et S. Hildæ de Wýtebý [et] monachis ibid. Deo serv., elemosinam antecessorum[5] meorum, scil. duas garbas de toto dominico meo in Boýthorp, in perp. et pur. elem., pro a. mea et hær. meorum, necnon et antecessorum meorum. Hiis Testibus. Jeremia Archidiacono.[6] Roberto, Decano de Helmesleia. Thoma Capellano. Paulino Capellano; et aliis.

[1] No witnesses at all given in M.
[2] *Sapitulo.*
[3] This must necessarily, as William de Fortibus died in 1179, and Richard, the second abbot of the name, succeeded only in 1177, be the first of the two Richards (1148-1175). Some reference is made to the Earl of Albemarle in No. 572, which may possibly have some connection with the cession by that Baron in the present charter.
[4] *Boichorp.*
[5] See the Memorial (p. 4), "Ex dono Hugonis de Boitorp et uxoris suæ, Aalizæ de Perci, . . . similiter"—*i.e.* "duas partes decimæ bladi"—"de dominio de Boitorp." See also No. 55.
[6] Jeremiah was Archdeacon of Cleveland about 1170.

CV. De uno tofto in Scirpinbec.[1] [M. 112b.]

Omn.[2] hominibus has litteras aud. vel vis., Willelmus, filius Hugonis de Eboraco, salutem. Noverit univ. v. me conc., et d., et præs. c. mea conf. Deo et S. H. de Wẏtebẏ et mon. ibid. Deo serv., pro s. a. meæ et antecess. et succ. meorum, quoddam toftum cum ædificiis et aliis pert. suis in villa [de] Skerkigbec[3] —illud scil. toftum quod jacet exterius versus (22) orientem [de] tribus toftis meis super stangnum ejusdem villæ—Tenendum et hab. eisdem Monachis, lib. et qu., in pur. et perp. elemosinam. Ego vero et hær. mei warent. præd. monachis præd. toftum, cum pert. c. o. h. in perpetuum. Hiis testibus. Waltero de Canci. Rogero fratre ejus.[4] Willelmo Tusset. Ricardo Capellano. Petro Clerico. Willelmo Turkil; et aliis.

Will. filius Hug. de Eboraco grants to Whitby a toft in Skirpingbeck, the easternmost of the three he held in that vill.

CVI. De prato in Atona,[5] quantum pertinet ad unam bovatam. [M. 107.]

Omn. aud. et videntibus has litteras, Ricardus filius Angnoti,[6] salutem. Sciatis omnes quod Willelmus, filius Angnoti,[7] coram me divisit et dedit Ecclesiæ S. Hildæ de Wẏtebẏ et mon. ibid. Deo serv., in pur. et perp. elem., tantum prati in campo de Atuna[8] quantum pertinet ad unam bov. t'ræ, pro a. sua et pro a. sponsæ suæ, et pro animabus parentum eorum; et hoc pratum propria manu sua præd. sponsa ejus, Beatrix, optulit super altare Ecclesiæ de Wẏtebẏ in perp. elem., coram me et coram multis aliis, clericis et laicis, quando corpus antedicti Willelmi, fratris mei, tradebatur sepulturæ apud

[1] Repeated in No. 368, but with five additional witnesses there. See below.

[2] The rubricated initial here is N, which is afterwards crossed out, and a small *o* added at the side.

[3] M. Scirpingbec.

[4] M. gives no further witnesses after the two first. The additional witnesses supplied in No. 368 are Rad. Burdon, Mich. Norrays, Petr. Britone, Benedicto fil. Arnaldi, Henr. Puset. The two latter are witnesses to No. 249, together with "Laurentio quondam Priore de Giseburnia" (1219-23).

[5] Repeated in No. 347, only with the names of many more witnesses given.

[6] M. Angoti; and also in No. 347.

[7] M. Agnoti.

[8] M. Atona.

Wẏtebẏ. Ego autem, Ricardus filius Angnoti,[1] hanc eandem elem., quam fecit frater meus Willelmus, et Beatrix, uxor ejus, præs. c. mea, pro a. mea, confirmavi et concessi Deo et Monasterio de Wẏtebẏ. Hiis testibus. Willelmo de Kertun.[2] Roberto fratre ejus. Rogero de Houkesgard.[3] Adam nepote ejus, et aliis.

CVII. De terra in Scardeburg, quam Ricardus de Folketona tenet.

John, Abbot of Whitby, leases to Richard de Folketon land in Scarborough belonging to the Abbey, lying beyond the mill-dam, with condition in case of non-payment of rent when due.

Omn. Christi fidelibus has litteras vis. vel. aud., Johannes,[4] D. G., Abbas de Wẏtebẏ, et ejusdem loci Conventus, salutem in D'no. Noveritis nos ded. et conc., et hac. c. nostra conf. Ricardo de Folketuna t'ram nostram in villa de Scartheburg ultra stangnum :—illam, scil., quæ jacet inter t'ram ejusdem Ricardi et t'ram quæ fuit Grimkilli :—tenendam et hab. illi et hær. suis, de nobis, in feodo et hæreditate, lib. et quiete, reddendo inde annuatim nobis decem solidos pro omni serv. ad nos pertinente, med. at Pent. et med. ad f. S. Martini, et faciendo servitia domini Regis. Et si forte præd. Ricardus firmam præd. nuntio nostro, quem ad præd. firmam recipiendam destinaverimus, terminis statutis non persolverit, ipse eundem nuntium nostrum in domo sua, sumptibus suis, honorifice retinebit, donec eidem plene præd. firmam persolverit. Teste Capitulo nostro.

CVIII. Uctredus Cospatric de ii. Carucatis in Caytona. [M. 105b.]

Noverint omnes fideles, tam fut. quam præs., quod ego,

[1] M. Agnoti. [2] M. Kartona; in No. 347, Kartum.

[3] M. gives no other witnesses from this point. No. 347 gives Ada Nep' ejus, and adds Tho. Presb., Ada Presb., Walt. Cler., Gaufr. de Bosco, Rob. Coco, Andrea Parmentario, Trigo, Alan. Cementario, Hug. Cler., Will' de Infirmario, Steph. Parmentario. Gaufr. de Bosco and Rob. Cocus are co-witnesses with Ace de Lokenton to No. 363, a charter by Anfrid de Canci.

[4] There are no means of identifying this abbot. John de Evesham, 1214-1222; John de Steyngrave, . . . -1258. If an inference may be made from such a name as Grimkil, it would necessarily be in favour of the earlier of the two. See note on Arne Grimsune under next charter.

Uchtredus de (22b) Alverstain,[1] Gospatric[2] filius, dedi Deo et S. Mariæ, et Ecclesiæ S. Petri et S. Hÿldæ de Wÿtebÿ, et Serloni Priori, et mon. ibid. Deo serv., in elem., duas carucatas t'ræ in Chaituna,[3] cum pertinentiis suis, lib. et qu. ab omni servitio, pro animabus D'ni mei, Regis Willelmi,[4] et omn. parentum meorum, et pro me ipso. Concesserunt vero mihi jam-dicti monachi ut sim frater præd. Cœnobii ex toto ac plenissime; et, si ordini monachico sociari voluero, cum quali substantia, parva seu magna, venero, libenter suscipient me. Testes horum, omnis ejusdem loci Congregatio; Serlo Prior; Willelmus Celerarius;[5] Godefridus, Magister operis ejusdem loci; Arne Grimsune;[6] et alii.

CIX. De ii. Bovatis Capellæ de Ugelbardeby. [M. 49.]

Cunctis fidelibus, Radulphus de Hugelbardebi,[7] salutem. Sciatis me dedisse duas bovatas t'ræ in Hugelbardebi,[7] solutas et quietas ab omni servitio, Ecclesiæ S. Petri de Wytebi, et fratribus ibid. Deo. serv., ad capellam[8] suam in Hugelbardebi,

[1] M. Alverstan. See Nos. 29, 30, 31, etc.

[2] M. Cospatrici.

[3] M. Kaytona.

[4] Important as showing the very early date of this deed, in which connection note also the fact that Serlo was still Prior.

[5] The last witness named in M.

[6] This name is noteworthy, not only as the only one in this Chartulary which has escaped the usual translation by "filius," but from its unmistakeable Norse form. In Landnamabok there are three Arngrims named, viz., Argrimr Godi Helga sun, Arngrimr Gudmunds sun, and Arngrimr Thorsteins sun. In Dugdale's *Mon.* iii. p. 550, Ulfe Fornesson is named as giving a carucate of land in Skirkubek to St. Mary's Abbey, York, and also Uctred Ulfson, as the giver, to the same foundation, of the Church of Middelton in Richmondshire. Another remark which may fitly be made, as of undoubted interest in the early history of the renascent monastery, is that, from the description of the witness who stands third on the list, building operations were undoubtedly being pushed forward at the time this document was executed. The provision made as to the admission into the number of regular monks of the grantor, if so he elected at any future time, is also to be noted.

[7] M. Ugelbarby.

[8] After this deed in M. is the following note, but in a later hand :—"A°. D'ni M° centesimo lxxvii°," which may be correct, but probably is a good deal too late. The witness Astillus de Houkesgard (for more detailed notice of

et illas optuli super altare S. Petri de Wytebi; et porro dedi maledictionem omnibus illis qui illas ab præf. Ecclesia abstulerint. Testibus Astillo de Houkesgard. Ricardo de Neuhom.[1] Hugone [de Soureby];[2] et aliis.

CX. De terra in Eboraco. [M. 124.]

Audoen, Romilda his wife, and Hugo his heir, give to Whitby a mansura in Walmgate, York.

Sciant omnes audientes has litteras quod ego, Au[d]oene,[3] et uxor mea, Romilda, atque hær. meus, Hugo, dedimus Ecclesiæ S. Petri de Wÿtebi, pro salvatione animarum nostrarum, cunctorumque nostrorum parentum, unam mansuram t'ræ in Walbagata,[4] liberam et immunem ab omni servitio in perp., exceptis quatuor denariis, qui dabuntur ad servitium Regis per annum; et illam obtulimus per unum baculum super altare S. Petri, multis intuentibus, quorum hii testes sunt. Aschethilus de Osgarth.[5] Reginaldus de Eboraco. Osbernus Goldel; et alii.

whom and his family see notes to No. 220) was a contemporary of Abbot William de Perci, who is supposed to have died about 1127 (No. 263), and with Abbot Benedict, who resigned in 1148 (No. 220), which would make him to be a very old man in 1170. Moreover, he was, with his father, a witness to Alan de Perci's confirmation to Whitby of the Fyling vills bought of Tancardus Flandrensis by Abbot William de Perci (Nos. 28, 405), which carries us still further back towards the beginning of the twelfth century.

[1] Possibly an uncle of the last witness.

[2] "de Soureby" supplied from M.

[3] M. Audoenus. Some particulars as to Audoen and his family are obtained from three or four different entries in the Memorial (pp. 5, 6):—"Hugo filius Audoeni unam mansuram quæ fuit Wulfhet Fabri;" "ex dono Audoeni unam mansuram in Walbagate, quam tenet Hugo, filius ejus;" "ex dono Godefridi et Turgisii duas mansuras in Usegate, quas tenuerunt de nobis Orm et Audoenus, et nunc tenet Hugo filius ejus;" "ex dono Gaufridi, filii præd. Audoeni, quandam terram et ædificia quæ tenet Hugo frater ejus." It thus appears that, besides the mansura which is the subject of the present deed, Hugo, son of Audoen, holds also the mansura which used to belong to Wulfhet Faber, also two mansuræ in Ousegate, and likewise some other land and buildings formerly his brother Geoffrey's, and given by him to the Abbey. From the confirmation of Pope Eugenius II. (No. 149), Audoen, or, as he is therein named, Outhan, had given his donation by or before 1144.

[4] M. Walmegate.

[5] M. Asketinus, Reginaldus, et alii.

CXI. (23) ROBERTUS DE BRUS DE MIDELESBURG.

Robertus de Brus,[1] omn. S. Ecclesiæ fidelibus, salutem. Scitote quod ego et Agnes, uxor mea, filiusque noster, Adam de Brus, pro s. D'ni nostri, Henrici, Regis Angliæ, animarumque nostrarum et hær. nostrorum remedio, ecclesiam Sanctæ Hýldæ Abbatissæ, de Midlesburcd, cum omnibus rebus quæ ad eandem eccl. pertinent, et duas carucatas et duas bovatas t'ræ in Nehuham, in perp. elem., Ecclesiæ et fratribus S. Petri et S. Hýldæ de Wýtebý, dedimus et conc. et confirmavimus;—ea conventione, ut in præf. ecclesia de Midlesburc quidam monachi sint, qui Deo et S. Hýldæ de Wýtebi deserviant, et qui de stipendiis præf. ecclesiæ large et sufficienter vivere valeant, et ut mater Ecclesia de Wýtebý semper valeat habere proficuum. Hii sunt testes:—Willelmus Capellanus. Arnaldus de Perci.[2] Umfridus de Elthot. Willelmus de Fugeris; et multi alii.

Robert de Brus, his wife Agnes, and son Adam, grant and confirm to Whitby the church of Middlesburgh and two carucates and two bovates of land in Newham, to found a cell in the said church, and the surplus to go to Whitby.

CXII. WILLELMUS MALEBYSE DE MIDELESBURG.

Cunctis Christi fidelibus ad quos hoc scr. perv., Willelmus Malebisse,[3] salutem. Noverit univ. v. me d. et conc. et hac c. mea conf. Deo et Eccl. S. Hýldæ de Midelesburc, et mon. ibid. Deo serv., in pur. et perp. elem., totam terram quam habui in dominico meo in Brachanhoc, cum omn. pertinentiis. Ego autem, et hær mei, war. et def. t'ram præd. prænominatis monachis erga o. h. in perp. de omnibus rebus. Hiis testibus. Ricardo Malebisse. Hu'o[4] fratre suo. Gaufrido de Thorni. Alano Malechac; et multis aliis.

Will. Malebisse grants to Middlesburgh all the land he has in his demesne of Brachanhoc.

CXIII. WALTERUS DE COLLEBY DE MIDELESBURG.

Omn. S. M. Ecclesiæ filiis ad quos hoc præs. scr. perv.,

[1] The founder of Gysburne. This deed dates apparently before the decease of Henry I.

[2] Of Ormesby and Kildale. See under Nos. 27, 76.

[3] See No. 141; and also cf. No. 349.

[4] There can be little doubt that this should be Hugone. The other witnesses to No. 141 are the same as in the present charter, and Hugone is the reading there. There are two families of the same name, as is also apparent in the said charter.

Walter de Colleby, at the instance of his wife and heirs, gives to the cell of Midlesburc three acres in Colleby, with pasturage for two beasts, a horse, and six sheep.

præs. et fut., Walterus de Collebi,[1] salutem. Noverit univ. v. me, divinæ pietatis intuitu, assensu etiam et voluntate ac petitione Margaretæ uxoris meæ, et hær. meorum, conc. et ded. et hac præs. c. mea conf. Deo et S. Hyldæ de Midlesburc, ac mon. ibid. Deo serv., tres acras t'ræ in campo de Colleby—videl. unam rodam ad faciendum unum toftum juxta exitum versus Gunregate, ex parte meridiana; et unam acram juxta Laddegate, propiorem contra orientem culturæ meæ, et tres rodas inter Gunregate et Stay̆nenges versus occidentem et unam acram[2] . . . de Gunregate in cultura mea in parte meridiana, cum pastura du[or]um[3] anima(23^{b})lium et unius equi et vi. ovium—Tenendas et hab. in lib., pur. et perp. elemosinam. Hiis testibus. Willelmo, Capellano de Midlesburc. Gregorio de Levincthorp. Thoma de Martun. Willelmo, filio Line; et aliis.

CXIV. MARGARETA DE COLLEBY DE MIDELESBURG.

Margaret de Colleby, in her widowhood, confirms the donation of her late husband to the cell of Middlesbrough and the monks of Whitby, with free exit and ingress.

Noverint omnes ad quos hoc scr. pervenerit, quod ego, Margareta de Collebi, tempore viduetatis meæ, in libera potestate mea, d. et conc. et hac pr. c. m. conf. Deo et Ecclesiæ S. Hy̆ldæ de Midelesburg, et Monachis de Wy̆teby̆, in lib. et pur. et perp. elem., illas tres acras t'ræ, cum pert., in campo de Collebi, quas ex concessione Walteri de Ribbestain,[4] quondam mariti mei, tenuerunt in lib. et pur. elem., cum omn. pert et pasturis et asiamentis ad eas pertinentibus, infra villam de Colleby̆ et extra. Insuper etiam[5] liberum exitum et introitum ad eas colendas et habendas eis concedo. Et ego Margareta, et hær. mei has donationes præfatæ Ecclesiæ warantizabimus c. o. h. in perpetuum. Hiis testibus. Waltero Galicien. Willelmo, tunc temporis Capellano de Midlesburg. Willelmo, Clerico de Martona. Nicholao de Atona; et aliis.

CXV. WALTERUS GALICIEN DE MIDELESBURG.

Omnibus S. M. Ecclesiæ filiis, Walterus le Galicien[6] de

[1] This is beyond question the Walter de Ribbestain of the next deed, as will be apparent on noting its object and terms.

[2] This word cannot be deciphered.

[3] Carelessly written, but probably intended to be read "duorum."

[4] See No. 113.

[5] Written *t*, but probably meant for et = "etiam."

[6] *Galicien'*.

Tollesbẏ, salutem. Sciatis me d. c. et hac pr. c. conf.[1] Deo et Ecclesiæ S. Hyldæ de Midlesburc, et monachis de Wẏtebẏ, in lib. pur. et perp. elem., dimidiam acram t'ræ in Campo de Tollesbi, in cultura mea quæ vocatur Swarhouedwath, ex occidentali parte extendens se longitudine apud australem partem; et insuper concessi liberum introitum et exitum ad præd. t'ram, pro s. a. meæ, patris, matrisque meæ, et pro a. antecess. et succ. meorum. Et ego, et hær. mei prænom. t'ram, cum omn. aisiamentis præd. t'ræ pertinentibus, c. o. h. et f. war. et defendemus. Hiis testibus. Gregorio de Levincthorp. Thoma de Martun. Nicholao de Atuna. Willelmo Thosti; et aliis.

Walter Galicien grants to the Cell of Middlesburgh and the monks of Whitby half an acre in Tollesbi in Swarthouethwait.

CXVI. Robertus Galicien de Midelsburg.

Universis S. M. Ecclesiæ filiis, ad quos pr. scr. pervenerit, Robertus Galicienus, salutem in Domino. Noverit univ. v. me, pro s. a. meæ et antecess. meorum, d. c. et pr. c. mea conf., Deo et Ecclesiæ (24) S. Hyldæ de Midlesburc, monachisque de Wẏtebẏ ibid. Deo serv., t'ram quæ vocatur Houenam,[2] quæ jacet inter Westbec et Crossebẏdale, cum prato ei adjacente, in pur. et perp. elem., cum pert. suis, lib. et qu. ex omni exactione sæculari, de me et hær. meis in perpetuum. Ut autem hæc mea donatio in perp. inconcussa et illibata permaneat, illam sigilli mei munimine roboravi. Hiis testibus. Gregorio de Levincthorp. Thoma de Martun. Nicholao de Atuna. Henrico Ruffo; et aliis.

Robert Galicien grants to the Cell at Middlesburgh and the monks of Whitby the land called "Houeram," lying between Westbeck and Crossbydale.

CXVII. Robertus Galicien de Midelesburg.

Noverint omnes ad quos hoc scr. pervenerit, quod ego, Robertus Galicien de Martuna, d. c. et hac pr. c. mea conf. Deo et Ecclesiæ[3] de Middlesburc, et monachis de Wẏtebẏ, in lib. pur. et perp. elem., vii. acras t'ræ et dimidiam in campo de

Robert Galicien grants to the Cell of Middles-

[1] The words "carta" and "confirmasse" are, by a slip of the pen, transposed in the MS., and so noted.

[2] This is a word of frequent occurrence, and by no means in any one particular district or locality, and it is usually introduced much in the same way as in the text here, with the words "quæ vocatur." What the meaning or derivation, or even orthography, may really be, is obscure. The word might be "ownam," or "hownam," were it not that "Ofnam" in the heading of No. 165 makes it "Ovenham" or "Hovenham."

[3] *Ecclesia.*

burgh and the monks of Whitby seven acres in Martin Fields, in three allotments, with an acre of pasture in Longlands, with all other pasture belonging to him within given limits, also grants power to enclose.

Martuna; scil. unam acram et dim. separatim in Brachanhou,[1] et aliam dim. acram versus occidentem in eodem Bracanhou, cum pasturis ad easdem acras pertinentibus, et v. acras et dim. de t'ra arabili, et dim. acram de pastura ad illas pertinente in cultura illa quæ vocatur Langelandes,[2] quæ est juxta eandem Bracanhou et propinquior Alfelebricd[2] ex omnibus culturis feudi mei, et quæ extenditur in longum de divisa inter Caldecothe[4] et Martun, usque ad aquam quæ est divisa inter campos de Martun et de Midlesburg, cum tota pastura quæ ad me pertinet infra easdem divisas et rivulos[5] illos qui includunt undique culturas et pasturas de Bracanhou et de Langelandes,[6] et cum omn. aliis aisiamentis et pasturis ad easdem terras pertinentibus. Et si contigerit quod præfati monachi voluerint includere culturas et pasturas istas cum[7] cætero campo de Martun, ego et hær. mei hoc concedimus, et c. o. h. warentizabimus, quantum ad nos et ad feudum nostrum pertinet. Et sciendum est quod ego, Robertus Galicien, et hær. mei omnes has terras, cum omnibus pertinentiis et asiamentis ad tantam terram pertinentibus, infra villam de Martun et extra, ubique per totum feudum meum, eisdem et præs. c. mea confirmavi, et c. o. h. ego et hær. mei in perpetuum warentizabimus. Hiis testibus. Thoma de Martun. Nicholao de Atuna. Henrico Ruffo. Willelmo de Foxtona;[8] et aliis.

1 Bracanhoc in No. 118; a matter to be noted as one instance in several in these charters illustrative of the partly guttural sound *c* and *g* are often taken to represent.

2 Langelandes is still identifiable in the modern Langlands, as Alfelebricg is in Fellbrig, or Fellbrigs. Bracanhou seems to be obsolete.

4 Caldecothe has been modernised into Cargo in Cargofleet.

5 *rivulas*. 6 *Lanhelandes*. 7 *ad;* "cum" is the probable reading.

8 William de Foxton was Seneschal of Whitby in Abbot Roger's time, to which nearly all the present series of charters may be referred. There was an extraordinary impulse leading on to these donations for Church work, not only in special connection with the Middlesburgh cell, but with the general aggrandisement of the Abbey. And it is to be noted that contemporaneously with this the Abbey Church was newly commenced, and was being most energetically pushed forward. It would hardly be rash to assert, after a careful inspection and consideration of what is left of the Abbey Church, that the first great building effort, commencing with the eastern end and terminating with the first three bays of the nave, is synchronous with the incumbency of Abbot Roger (1122-1144), and does not extend much beyond it.

CXVIII. ROBERTUS GALICIEN DE MIDELESBURG.

Omn. S. M. Ecclesiæ filiis, præs. et futuris, Robertus Galicien, salutem. Noverit univ. v. me d. c. et hac pr. c. mea confir(24^{b})masse Deo et S. Hẏldæ de Midlesburc, et mon. ibid. Deo serv., in lib. et pur. et perp. elem., unam acram t'ræ et dimid. in Bracanhoc, cum tota pastura quæ ad me vel ad hærede[s] meos pertinet in eadem Brachanehoc, desicut forera quæ [fuit] Radulphi Longi extenditur—scil. de aqua versus orientem usque ad aquam versus occidentem, et omnibus aliis aisiamentis ad præd. t'ram pertinentibus. Præterea, eisdem monachis dedi et conc., et præs. c. mea conf. dimid. acram t'ræ in Brachanhoc, illam scil. quam Radulphus,[1] avus meus, dedit Deo et S. Hẏldæ de Midlesburc in pur. et perp. elemosinam. Ego et hær. mei præd. t'ram, cum præf. pastura, in perp. warentizabimus. Hiis testibus. Gregorio de Levincthorp. Thoma de Martuna. Hugone de Collebẏ. Willelmo filio Line; et aliis.

Robert Galicien grants to the Cell of Middlesburgh an acre and a half of land, with all the pasture belonging to him in Brackenhoue, within the given boundaries.

CXIX. ROBERTUS GALICIEN DE MIDELESBURG.

Omn. Christi fidelibus, ad quos pr. c. pervenerit, Robertus Galicien, salutem. Noverit univ. v. me d. et conc., et hac pr. c. mea conf. Deo et S. Petro et S. Hẏldæ de Wẏtebẏ, et mon. ibid. Deo. serv., tres rodas t'ræ in Simundholm, quæ jacent inter t'ram Thomæ Clerici, quæ est ex australi parte, et t'ram Rogeri de Estures, quæ jacet ex boreali[2] parte, in lib. pur. et perp. elem., pro a. mea, [et] antecessorum, et omnium succ. meorum, cum omn. libertatibus et aisiamentis, in pratis, pascuis, et pasturis, infra v. et extra, ad tantam terram pertinentibus. Ego, vero, præd. Robertus, et hær. mei præd. tres rodas terræ warentizabimus, et in omn. def. c. o., et h. et f., in perpetuum. Hiis

Robert Galicien grants to Whitby three roods of land in Simundholm as defined.

[1] Two deeds in the Gysburne Chartulary (ff. 243, 244) enable us to supply the descent of Robert Galicien, the grantor of this and the three preceding charters. Radulphus, here named as Robert's grandfather, is himself son of Ernaldus Galicien and father of Walter, of Nos. 115, 120. In No. 136, also, Robert is specially named as son of Walter. Robert's wife was called Geretrudis, as appears from the second of the two Gysburne documents named above.

[2] *boriali.*

testibus. D'no Radulpho de Tametona.[1] D'no Gregorio de Levincthorp. Henrico Ruffo. Reginaldo [de] Baius; et aliis.

CXX. Walterus Galicien de Midelesburg.

Walter le Galicien grants to the Cell of Middlesburgh, and the monks of Whitby three acres in Tollesby fields, in his culture called Swarthouethwait; if any excess over three acres, still to belong to Whitby.

Universis S. M. Ecclesiæ filiis, tam præs. quam fut., ego, Walterus Galicien, in Domino salutem. Noverit univ. v. me, divinæ pietatis intuitu, conc. et d. et hac pr. c. mea conf. Deo et Eccl. S. Hýldæ de Midlesburc, et mon. de Wýtebý, in lib. et pur. et perp. elem., tres acras t'ræ in campo de Tollesbi—scil. in cultura mea, quæ vocatur Northsuarthouedwath; et si quid in illa cultura plus fuerit de tribus acris, præd. Ecclesiæ et monachis de Wýtebý in pace remaneat, (25) cum omn. pert. et aliis aisiamentis, in v. de Tollesbi et extra, ad eandem t'ram pertinentibus, pro s. a. meæ, et antecess. et succ. meorum. Et ego, Walterus le Galicien, et hær. mei, præd. t'ram, cum pert. suis, præd. Monachis warentiz. et def. c. o. h. in perpetuum. Hiis testibus. Gregorio de Levingthorp. Henrico Ruffo. Willelmo de Wýtebý; et aliis.

CXXI. Stephanus de Blaby de Midelesburg.

Stephen de Blaby, with Avicia his wife, grants to the Cell of Middlesburgh the homage of Fitz-Thomas, with his sequela, for ever.

Omn. S. M. Ecclesiæ filiis, ad quos pr. scr. pervenerit, Stephanus de Blabý,[2] et Avicia, uxor ejus, salutem in Domino. Noverit univ. v. nos, pro s. nostra, et antecessorum nostrorum, ded. et confirmasse Deo et Ecclesiæ S. Hýldæ de Midlesburc, monachisque ibid. Deo serv., in pur. et perp. elem., humagium filii Thomæ, cum tota sequela sua, in perpetuum: Ita quod in quocumque terrarum pervenerint, liberi a nobis et hær. nostris perpetuo remanebunt Deo et præd. Ecclesiæ. Ut autem hæc nostra donatio perpetuam optineat stabilitatem, illam sigilli nostri appositione roboravimus. Hiis testibus. D'no Engelram

[1] Rad. de Tameton is a witness to a deed of grant to Byland by Stephen de Meynill, son of Robert de Meynill of Wervelton—one among the Yarm Frierage Collection, dated in 1230—and is also named in No. 291.

[2] Some few particulars concerning the family of Blaby will be found in the notes to No. 350. The present grantor is witness to No. 217, and to a charter by Hugo de Magneby (penes C. Heneage Elsley, late Recorder of York) to Gunnora "D'na de Kyrkeby sub Cnoll," dated 25th April 1199. The date of the present charter is a good many years later.

de Bovingtuna. Gregorio de Levingthorp. Thoma de Martuna. Waltero Galicien; et aliis.

CXXII. Willelmus de Martona de Midelesburg.

Sciant omnes, tam pr. quam fut., quod ego, Willelmus de Martuna, concedente Roberto hær. meo, d. et conc. et hac c. mea conf. Deo et Ecclesiæ S. Hŷldæ de Midlesburc, et mon. ibid. Deo serv., in lib. et perp. elem. duas acras t'ræ et dimid.—duas, [s]cil., super Crossebidale, et dim. super Bracanhil; et si quid pertinuit ad feudum meum in pastura mea de Bracanhil, quam Hugo Malebŷs[1] dedit præd. Ecclesiæ, toftum illum quietum clamavi præd. Ecclesiæ de Midlesbur[c] et mon. ejusdem loci in perpetuum. Et ego et hær. mei war. et def. præd. Monachis omnes præd. t'ras et pasturas c. o. homines. Hiis testibus. Rogero de Malesart. Gordano Diacono. Willelmo Ruffo. Galfrido de Aresum; et aliis.

William de Marton grants to the Cell at Middlesburgh two acres and a half of land in Crossbydale and Brackenhill, and any claim he might have on the land given by Hugo Malebys.

CXXIII. Galfridus de Arusum de Midelesburg.

Notum sit omn. vid. vel audientibus has literas, quod ego, Galfridus de Aresum, filius Matildis,[2] dedi et hac c. mea confirmavi Ecclesiæ S. Petri et S. Hŷldæ de Wŷtebŷ, et præcipue Ecclesiæ de Midlesbur[c], monachisque ibid. Deo serv., unam acram t'ræ et dim. in Midlesbur[c], super quam t'ram præd. Johannes Herwaltd mansionem suam ædificavit,[3] in pur. et perp. elem., pro animabus omnium prædecessorum meorum. Hujus donationis sunt hii testes:—Robertus Ravenchil. Baldricus filius Matildis.[4] Jurdanus Diaconus, Johannis filius;[5] et alii.

Galfrid de Arusum, son of Matilda, gives to Whitby, and more especially to the Cell at Middlesburgh, an acre and half in Middlesburgh, built upon by John Herwald.

[1] See No. 141, and also No. 112.

[2] The grantor of this charter, Galf. de Aresum, filius Matildis, is probably elder brother of Baldricus filius Matildis, one of the witnesses. In No. 135 Baldric de Arosum grants to the Cell of Middlesburgh six acres in Arusum, and in No. 126 Ric. fil. Baldrici de Arusum gives two acres. In the Memorial (p. 7) Robert Ramkil—doubtless identical with Robert Ravenchil, the first witness to the present deed—gives three acres and a perch of land to Whitby, and the date of the present charter may be approximately inferred from the said circumstance.

[3] *dedificavit.*

[4] *Maltildis.*

[5] It is difficult to say whether this should be as printed, or Johannes filius . . .; the name being omitted. Cf. "filii Thomæ" in No. 121.

CXXIV. Henricus Ruffus de Midelesburg.

Henry Ruffus de Arusum grants to the Cell of Middlesburgh and the Monks of Whitby all his culture in Middlesburgh save one "land" which Goscelin, his "man," holds of him "jure hæreditario."

Notum sit omnibus aud. vel videntibus literas istas, quod ego, Henricus Ruffus[1] de Arusum, d. et conc. et hac pr. c. mea conf. Deo et Ecclesiæ S. [Hyldæ] de Midlesburc, et mon. de Wẏtebẏ, in lib. et pur. et perp. elem., totam culturam meam quæ jacet extra villam de Midlesburc, juxta Crucem, quam Rogerus Harald quondam tenuit de me, præter unum sulcum tantummodo, qui est propinquior soli, quem Goscelinus, homo meus, tenet de me jure hæreditario, quæ cultura computabitur pro. vi. acris t'ræ, sive majus sive minus; et ego Henricus Ruffus et hær. mei warentiz. et def. præd. Ecclesiæ et prænom. mon. præd. t'ram c. o. h. in perpetuum. Hiis testibus. Ada Capellano. Gregorio de Levingthorp. Willelmo Cusin; et Rogero Harald; et aliis.

CXXV. Willelmus de Aclum de Midelesburg.

William de Aclum grants and confirms to Whitby a toft containing four acres, the gift of his mother Cecilia.

Sciant omnes, tam moderni, quam futuri, quod ego, Willelmus de Hacclum, assensu uxoris meæ et filiorum meorum, conc. et hac mea carta confirmavi Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebẏ, et mon. ibid. Deo serv., in pur. et perp. elem., et ab omni servitute lib. et quietam, toftam iiii^or acrarum, quæ fuit Goduini Salv[ain] in Midlesburc, quam mater mea, Cecilia, dedit præf. Ecclesiæ. Hiis testibus. Roberto de Coyneris. Willelmo, filio Odonis. Arnulfo filio Muriel; et multis aliis.

CXXVI. Robertus filius Baldric de Midelesburg.

Richard, son of Baldric de Arusum, grants to Whitby two acres of land situate at the exit from Levingthorp.

Omnibus hanc cartam vis. vel aud., Ricardus[2] filius Baldric de Arusum, salutem. Vestra noverit discretio me et hær. meos dedisse, et hac c. nostra conf. Deo et S. Hẏldæ de Wẏtebẏ, duas acras t'ræ inter Igelm'[3] et viam ecclesiæ de Midlesbur[c], ad exitum villæ de Levingthorp, in pur. et perp. elem. pro s. a.

[1] Several members of this family are either benefactors to the Houses of Whitby and Gyseburn, or witnesses to the charters by other benefactors. See Nos. 126, 135, 410; 119, 120, etc.

[2] Ricardus, notwithstanding the Robertus in the heading, is probably the right reading.

[3] It is not easy to surmise what this word is or means. No local name supplies a hint, and Ingelram, meaning Ingelram's land, is hardly likely.

nostrarum, et universorum antecessorum nostrorum. Hanc etiam donationem, ut rata sit et stabilis, sig. nostri munitione corroboravimus. Hiis testibus. Willelmo filio Odonis; Gregorio; Johanne; Roberto; Gaufrido, filiis suis. Willelmo Ruffo; et aliis.

CXXVII. Rogerus Esturs de Midelesburg.

Omnibus ad quos hoc scr. perv., præs. et futuris, ego, Rogerus[1] de Estures, salutem. Noverit univ. v. me d. et con(26)cessisse, et hac præs. c. mea conf. Deo et Ecclesiæ S. Hẏldæ de Wẏtebẏ de Midlesburc, et Mon. de Wẏtebẏ, in lib. et pur. et perp. elem., quicquid ad me vel ad hær. meos pertineat in pastura et terra illa de Brachanhoc, quam Willelmus Malebisse[2] dedit præfatæ Ecclesiæ, et totum jus quod in eadem terra et pastura de Brachanhoc habui, illud de me et de hær. meis in[3] perp. remitto et quietum-clamo. Et ego et hær. mei hanc donationem warent. et def. c. o. h. in[3] perpetuum. Hiis testibus. Gregorio de Levi[n]gthorp. Willelmo de Foxtun. Waltero Galicien, et Roberto filio ejus; et aliis.

Roger de Estures grants to the Cell of Middlesburgh and to the monks of Whitby any rights he had in the land given as aforesaid by Will. Malebisse.

CXXVIII. Robertus de Cliveland de Midelesburg.

Sciant pres. et fut. quod ego, Petrus, filius Roberti de Clivelande,[4] conc., et hac c. mea conf. Deo et Ecclesiæ S. Johannis

Peter, son of Robert de Cleve-

[1] Written Rog'o. He is a witness in No. 411. Probably the same name as del Hestre, or del Estre, of frequent occurrence in the Gysburne Chartulary, and met with once or oftener in the present deeds.

[2] See No. 112.

[3] Written *et* in both cases.

[4] It will be observed that there is a discrepancy between the name in the heading and the name as actually given in the body of the deed. The family of de Cliveland meets with repeated notice in both the Gysburne and Whitby Chartularies. The earliest mention is probably in the Foundation Charter of Gysburne Priory, wherein the founder says—"de terra autem . . . Uctredi de Cliveland liberum habeant servitium," and this is no doubt the person named in the following extract from the Memorial (p. 6): "ex dono Uctredi filii Thorkil de Cliveland ii. car. in Brinistun et molend. ejusdem villæ." Yet again, in the same document, but near the end, we have this entry:—"ex dono Roberti de Cliveland unam acram et unam perchatam t'ræ in Ormesbi." It is not possible to say that this Robert is son of Uctred, or any other relation in particular. It is nearly certain, however, that he was of the same family, and may, it is not unlikely, have

land, confirms to the Cell of Middlesburgh the gift made by his uncle Ralph, of land in Ormesby fields.

Baptistæ[1] et S. Hyldæ de Midlesburc, et mon. ibid. Deo serv., donum quod Radulfus, avunculus meus, fecit eis de t'ra sua in campo de Ormesbi, quæ jacet inter t'ram prædictorum Monachorum et Prioris de Giseburn, ut illud habeant et teneant secundum tenorem cartæ quam habent de præd. Radulfo. Et ut ejus donatio, et mea confirmatio, firmæ sint et stabiles, eas sigilli mei appositione roboravi. Hiis testibus. Rogero Loste. Thoma de Martona. Petro de Cleivelande; et aliis.

CXXIX. Thomas de Martona.

Thomas, son of Roger de Marton, grants to the Cell of Middlesburgh 4½ acres, 2½ in Brackenhoue, and 2 in Crossbydale, held in free alms by the monks in his father's time, with all the pastures belonging to

Omnibus ad quos hoc. scr. pervenerit, præs. et futuris, Thomas, filius Rogeri de Martona,[2] salutem. Sciatis me conc. et d. et pr. c. mea conf. Deo et S. Hẏldæ de Midlesburc, et mon. ibid. Deo serv., in lib. et pur. et perp. elem., iiii^{or} acras t'ræ et dim.—duas scil. acras et dim. in Brachanhoc, et duas in Crossebidale, quas præd. Mon. in tempore patris mei tenuerunt in elem., cum tota pastura quæ ad me, vel ad hær. meos pertinet in eodem Brachanhoc de sicut forera quæ fuit Radulfi Longi[3] extenditur; scil. de aqua versus orientem, usque ad aquam usque occidentem; et omn. aliis aisiamentis ad præd. t'ram pertinentibus. Et ego et hær. mei præd. t'ram, cum præfata pastura, prænom. Mon. warentizabimus. Hiis testibus.

been his son. But from him the descent for five generations is quite clear, as obtained from documents in the two Chartularies above named (several of the originals of the Gysburne deeds in question being preserved, it may be said in passing, in the York Museum). In No. 132, dating early in the 13th century, Robert de Cliveland, beyond doubt the donor of the acre and perch in Ormesby, is named as the father of Radulfus and Robert de Cliveland, the former of whom gives a part of the land in Ormesby which he had of the gift of the latter. In the present charter, Peter, son of Robert de Cliveland, speaks of the Radulfus whobestowed that gift as his uncle. In one of the Gysburne deeds the same Peter names his brothers Radulfus and Henry. In another his son Robert is named; and in a third John, son and heir of Robert fitzPeter, confirms all the donations of his ancestors who held of Ernald de Percy. But he is the last of the family named in the documents referred to.

[1] The church of Middlesbrough is not ordinarily named as thus dedicated Cf. No. 132.

[2] See No. 142. Roger de Marton is named in the Memorial (p. 7) as giving one acre in Marton.

[3] See Nos. 118, 141.

Willelmo et Willelmo, tunc temporis Capellanis de Midlesburc et de Martona. Gregorio de Levi[n]gthorp. Henrico Rufo de Arusum. Roberto Galicien; et aliis.

him in Brackenhoue, within certain limits.

CXXX. (26[b]) ROGERUS DE TORMODEBY DE MIDELESBURG.

Sciant omnes, tam præs. quam fut., quod ego, Rogerus Saunt'[1] de Thormodeby, d. et conc. et hac pr. c. mea conf. Deo et Ecclesiæ S. Hẏldæ de Midlesburc, et mon. ibid. Deo serv., in lib. et pur. et perp. elem., unum toftum in villa de Thormodeby, de Capitali Manerio meo, quod scil. jacet propinquius Roberto Saunt'[1] versus meridiem, cum omn. pert. et aisiam. infra v. de Thormodebẏ et extra. Hoc toftum dedi eis in excambium pro illo tofto quod Thomas Saunt',[1] pater meus, dederat eis de Capitali Manerio suo, versus aquilonem. Et ego, Rogerus Saunt'[1] et hær. mei warentizabimus præd. excambium supradictis Mon. c. o. h. in perpetuum. Hiis testibus. Gregorio de Levi[n]gthorp. Henrico Rufo. Willelmo Cusin. Willelmo tunc Capellano de Midlesburc; et aliis.

Roger Saunton, of Thormanby, gives to the Cell of Middlesburgh a toft in Thormanby, parcel of his Capital Manor, in exchange for a toft given them by his father, Thomas, out of his Capital Manor.

CXXXI. JOHANNES INGERAM DE MIDELESBURG.

Sciant omnes, tam moderni quam futuri, videntes vel audientes has litteras, quod ego, Johannes Yngelram,[2] et

John Yngelram,

[1] The name is almost certainly Saunton. There was a family of that name in 1285, taking its local appellation from Saunton in Harthill Wapentake, holding in the same place, and in Traneby, and elsewhere.

[2] In the Memorial (p. 7) is the following entry :—"Ex dono Johannis Ingeram, ut frater specialiter fieret ejusdem loci, in orationibus et elemosinis Monachorum, ii. thoftz in eadem villa [*i.e.* Midlesburch] et ix. acras t'ræ in Brigeflat, et communam pasturæ in Mersc Fittis." Merely premising that this is the donation conveyed by No. 133, it is to be remarked that there is some uncertainty as to the parentage and immediate connections of the grantor of this charter, No. 133 and No. 137. The entry in the Memorial of course gives a limit downwards to the date of the donation. It must have been before 1070; it may have been very many years earlier. But the "Conventio" between the houses of Whitby and Gyseburn, No. 271, mentioning the "feudum" of John Ingelram as it does, leaves no doubt that he was in the position to make such donations even before 1135. In other words, if he had succeeded to the fee in question by inheritance, his predecessor had deceased at least some sensible space of time before the date of the "Conventio." Now it is apparent from the final clauses of the Gysburn

with his daughter and son-in-law, grants to the Cell of Middlesburgh ten acres in Moresdale, which Robert Ravenkill and his son William had released to them.

Robertus filius Ernisii, et Adelina, filia mea, dedimus et conc. Deo et S. Hŷldæ de Midelesbur[c], x. acras t'ræ—scil. Moresdal, in perp. elem., pro a. mea, et pro a. patris et matris meæ, et antecessorum [1] nostrum, lib. et quietas ab omni servitio [et] ab omni consuetudine; quas Robertus Ravenkil [2] et Willelmus, filius ejus, nobis reddiderunt, et, simul nobiscum, super altare S. Hŷldæ in Midlesburc, coram multis testibus, optulerunt. Cujus rei hii sunt testes. Jordanus Clericus de Aclum. Gosfridus de Bosco. Rogerus Clericus. Godefridus Hai; et alii.

CXXXII. Radulfus filius Roberti de eodem. [M. 10.]

Sciant pr. et fut. quod ego, Radulfus, filius Roberti de Clevelande, d. et c. et hac c. mea conf. Deo et Ecclesiæ S. Johannis Baptistæ et S. Hŷldæ de Midlesburc,[3] et mon. ibid. Deo serv., in pur. et perp. elem., totam illam partem t'ræ meæ quam Robertus,[4] frater meus, dedit michi in campo de Ormesbŷ, quæ jacet inter t'ram quam pater meus dedit præd. Monachis et t'ram Prioris de Giseburnia, tenendam et hab. lib. et quiete de omn. rebus. Et ego et hær. mei warentiza-

Endowment charter, appearing moreover in both copies of the said charter at the commencement of the Chartulary, that in 1119 the fee in question was in the hands of William Engelram, and the presumption is that he was the father of John, who, in the confirmation by Peter de Brus II. of all the donations which the men of his fee had made to Gysburn, is named as the giver of the carucate specified in the Foundation charter. Probably this implies more than merely a subsequent confirmation by John Yngelram—rather that he united with his (?) father in the gift, or that the father died so soon after the Foundation charter was executed that John Yngelram became *de facto* the donor of the carucate in question. Contemporary with John Yngelram, at or about 1130-1135, was Walter Ingelram, sub-feudatory of Brus, as John was at Arusum and Middlesburgh, at Ingelby Arncliffe, and the question of relationship between them, as to its existence and its degree, naturally suggests itself. Quite possibly they were brothers, a view not discredited by the fact that Walter's son and heir was also called William. That there was some connection between John and Walter, whether that of brotherhood or not, is rendered more probable by the fact that Robertus filius Ernisii, John Yngelram's son-in-law, is a witness to a charter to Rivaulx by Walter Ingelram of Arncliff and his mother Holdiarda.—(Cott. MS. Julius D. 1, No. 77.)

1 *que* is unnecessarily appended to "antecessorum."

2 See notes to No. 123. 3 *Midelsburg.* 4 See No. 128.

bimus et acquietabimus præd. t'ram de omn. rebus et demandis, quæ ab illa t'ra demandari poterunt,[1] c. o. h. et fœminas. Hiis testibus. Waltero de Perci. R[oberto][2] de Lessingby; et aliis.

CXXXIII. (27) JOHANNES INGERAM DE MIDELESBURG. [M. 10.]

Notum sit omn. S. Ecclesiæ filiis quod ego, Johannes Ingeram,[3] et Robertus filius Ernisii, gener meus et hæres meus, conc. et dedimus Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebẏ, et mon. ibid. Deo serv., novem acras t'ræ ad collem juxta Midlesburc,[4] et duas toftas in eadem villa et communam pasturæ in Fittis, in perp. elem., lib. et solidas[5] et quietas ab omni servitio, et omni consuetudine et exactione. Hujus rei testes sunt— Rogerus Sacerdos; Willelmus de Tamtuna;[6] Hugo de Huncele; et alii.

John Ingeram, and Robert, son of Ernisius, his son-in-law, grant to Whitby nine acres near Midlesburgh, two tofts in the said vill, and common-right of pasture.

CXXXIV. JOHANNA, UXOR ROGERI DE BAYUSE DE MIDELESBURG. [M. 10.]

Omnibus ad quos hoc scr. perv., Johanna,[7] uxor Rogeri de Baẏuse, salutem. Noveritis quod Rogerus Baẏuse, maritus meus, in libera potestate sua, conc. et dedit Ecclesiæ B. Petri et S. Hẏldæ de Wẏtebẏ, et mon. ibid. Deo serv., octo percatas prati de dominico suo in campo de Ormesbẏ, juxta Stainbrigge; et ego, ex præcepto illius, et voluntate hær. nostrarum,[8] præf. donationem, coram multis, optuli super altare B. Petri et

Johanna, wife of Roger de Baius, confirms her husband's gift of eight perches of meadow in Ormesby fields.

[1] M. possunt.
[2] M. Rogero de Laysingby.
[3] See No. 131, and notes thereto.
[4] M. Midelesburg.
[5] M. solutas.
[6] M. Tantona. There are certainly two persons with this name, of frequent appearance, especially as witnesses, in this series of deeds, and in Brus deeds, and others in the Gyseburn Chartulary; for the period of time covered by such appearances is too long to permit it to be supposed that only one and the same person is intended. Thus it is to be assumed that the date of the present charter may be as early as 1140, or perhaps earlier, and that it cannot possibly be later than 1160 or 1165, while William de Tametou, Seneschal to Peter de Brus I., continues to be met with years after that Baron's death; or, in other words, the period of time involved must be seventy years, may be ninety. Probably the William de Tameton here named is the father of William de Tameton, the Seneschal, and the donor who is named in the Memorial (p. 7) as giving two acres of land in Marton.
[7] See No. 102, and notes.
[8] The heirs are feminine. See No. 461, whereto Agnes Beyus is a party.

S. Hẏldæ de Wẏtebẏ, in pur. et perp. elem., pro a. nostris et antecess. et succ. nostrorum: et in hujus r. t. huic scr. sigillum [meum] apposui. Hiis testibus. Magistro Petro Albini. Rogero Arundel, fratre meo.[1] Magistro Hugone de Fostuna. Richero de Filinga; et aliis.

CXXXV. Baldricus de Arusum de Midelesburg. [M. 10b.]

Baldiric de Arusum grants to the Cell of Middlesburgh six acres out of his demesne.

Omn. S. M. Ecclesiæ filiis, pr. et fut., Baldricus de Arosum, salutem. Sciatis omnes me conc. et d. et hac pr. c. [mea][2] conf. Deo et S. Hẏldæ de Midlesburc,[3] et mon. ibid. Deo serv., in lib. et pur. et perp. elem., divini amoris intuitu, et propriæ salutis obtentu, sex acras de dominio meo—scil. tres et dimid. ante domum Galfridi Blondi de Midlesburc,[3] et duas acras et dim. apud Arnaldetoftes. Hiis testibus. Willelmo filio Odonis. Willelmo Ruffo. Gregorio filio Willelmi; et aliis.

CXXXVI. Willelmus Tosti de Midelesburg. [M. 10b.]

William Tosty gives to the Cell of Middlesburgh and the Monks of Whitby half an acre of land in Brackenhoue, formerly his father's, with the pasture belonging to him.

Noverint universi ad quos hoc pr. scriptum pervenerit, quod ego, Willelmus Tosti,[4] d. et conc. et hac pr. c. mea conf. Deo et Ecclesiæ S. Hẏldæ de Midlesburc,[5] et Mon. de Wẏtebẏ, in pur. et perp. elem., dimid. acram t'ræ in Brachanhoc—illam scil. quæ propinquior soli est de illa carucata t'ræ quæ fuit Willelmi Tosti, patris mei, cum tota pastura quæ ad me et ad hær. meos pertinet in præd. Brachanhoc,[6] sine aliquo retinemento[7] . . . cum (27b) aliis aisiamentis ad eandem terram prænom. et pasturam pertinentibus. Et ego Willelmus Tosti et hær. mei c. o. h. præd. t'ram in perpetuum warentizabimus.[8] Hiis testibus. Gregorio de Levingthorp. Waltero Galicien, et Roberto filio ejus. Walterus de Collebẏ; et aliis.

CXXXVII. Johannes Ingeram de Midelesburg. [M. 11.]

Omn. S. [M.][9] Ecclesiæ filiis, præs. et fut., notum [sit][9] quod ego, Johannes Ingeram, concessi et dedi Ecclesiæ S. Hy[l]dæ

[1] No other witnesses in M. [2] M. supplies "mea." [3] M. Midelesburg.
[4] The old name Tostig. [5] M. Midelesburg. [6] M. Bracanhoc.
[7] Here "et ego Willelmus" is in error inserted, and evidently, in continuation of the said error, the necessary "cum"—supplied in M.—omitted.
[8] *uuarentizabimus.* [9] M. supplies "Matris" and "sit."

de Midlesburc,[1] et super altare optuli, in perp. elem., novem acras de t'ra mea quæ jacet juxta t'ram Sanctæ Virginis,[2] ita liberas et quietas ab omni servitio sicut alicui ecclesiæ aliqua elemosina liberius potest dari, vel ab aliqua liberius possidetur.[3] Hujus donat[i]onis testis est hæc carta mea, et qui affuerunt. Rogerus, Presbiter de Atuna. Jurdanus Clericus. Thocch de Midlesburc; et alii.

CXXXVIII. Rogerus Cusin de Midelesburg.

Omn. S. M. Ecclesiæ filiis, ad quos hoc pr. scr. pervenerit, Rogerus Cusin,[4] æternam in D'no salutem. Noveritis me conc. et d. et hac pr. c. mea conf. Deo et Ecclesiæ S. Petri et S. Hŷldæ de Wŷtebŷ, et mon. ibid. Deo serv., unam bovatam t'ræ in Levingthorp:—videl. illam bov. quæ jacet inter bov. Monachorum de Beghlande[5] et illam bov. quæ fuit Emmæ de Berewic: ten. et hab. de me et hær. meis in perp. elemosinam. Et ego, Rogerus Cusin, et hær. mei præd. bov. t'ræ in Levingthorp præd. Ecclesiæ de Wŷtebŷ et præd. Monachis c. o. h. in perp. warentizabimus; et, ut hæc mea donatio rata et stabilis et inconcussa permaneat, eam sigilli mei munimine roboravi. Hiis testibus. Alano de Bergebi. Ricardus de Perci de Dunesleia.[6] Rogerus de Rosel. Thoma; et aliis.

Roger Cusin grants to Whitby one bovate in Levingthorp lying between a bovate belonging to Byland and another belonging to Emma de Berwick.

CXXXIX. Hyrp de Midelesburg. [M. 11b.]

Noverint omnes ad quos hoc scr. perv., quod ego, Hŷrp de Martona, d. et c. et hac pr. c. mea conf. Deo, et Ecclesiæ S. Hildæ de Midlesburc,[1] et Mon. de Wŷtebŷ in pur. et perp. elem., duas acras t'ræ in Campo de Martona:—scil. unam acram

Hyrp de Marton gives to the Cell of Middlesburgh and the

[1] M. Midelesburg.

[2] The land belonging to Gysburn Priory, dedicated to S. Mary.

[3] M. possideri.

[4] In the Memorial (p. 7) it is stated that Roger Kusin gave "unam acram t'ræ," without specifying the locality. The two witnesses, Ricardus de Percy de Dunesleia and Rogerus de Rosel—the latter being one of the "tres milites" of Robert de Brus, who, together with him, attest Alan de Percy's charter (No. 28)—would, without the Memorial notice, be sufficient to indicate the early date of this document.

[5] William, son of Hugh Malebisse, confirmed what his father and his brother Hugh gave in this vill to Byland—probably the bovate of the text.

[6] *Nunesleia.*

monks of Whitby two acres in Marton, with the rights of pasturage appertaining, and with power to enclose.

et dim. in Brachanehocheved-landes,[1] sive plus illic habeo sive minus, ab aqua versus orientem usque ad aquam versus occidentem; et dim. acram in ipso Brachanehoc;[2] cum pasturis et herbagiis ad easdem t'ras pertinentibus, et cum omn. aliis pasturis et herbagiis et[3] aisiamentis quæ ad me pertinent infra et circa undique prædictas Brachanehoc[2] et Brachanehocheved landes[1] et ẏe Langelandes, et[4] cum communi (28) pastura, et omn. aliis aisiam. et pert. ad tanta[m] t'ram infra v. de Martuna[6] et extra, ubilibet in omnibus locis. Et si contigerit quod præf. Mon. voluerint includere culturas et pasturas de Brachanehoc[2] et de ẏe Langelandeheued separatim a cætero campo, ego, Robertus, id concedo, et c. o. h. omnes istas concessiones et donationes ego Robertus[6] et hær. mei in perpetuum warentizabimus. Hiis testibus. Waltero Galicien. Thoma de Martona.[7] Gregorio de Levingthorp; et aliis.

CXL. Walterus de Percy de Midelesburg.

Walter de Percy, de Keldale, confirms to Whetby all the lands given by Robert, son of Henry of Ormesby, specifying them.

Omnibus vis. vel. aud. has litteras, Walterus de Perci,[8] æternam in D'no salutem. Noverit univ. v. me [pro] s. a. meæ et pro s. omnium amicorum meorum, et pro a. patris mei, et matris meæ, et pro a. omnium antecess. meorum, conc. et conf. Deo et Ecclesiæ S. Petri et B. Hẏldæ Virginis de Wẏtebẏ, et mon. ibid. Deo serv. in pur. et perp. elem., omnes t'ras, cum pertinentiis suis, quas Robertus, filius Henrici, dedit in elemosinam Deo et Eccl. de Wẏtebẏ:—scil. octo acras t'ræ in campo de Ormesbi, cum tofto et crofto—videl. tres acras in Birtrestub,[9]

1 M. Bracanhocheved landes.

2 M. Bracanhoc.

3 M. omits "pasturis et herbagiis et."

4 M. omits "ye Langelandes et."

5 M. Martona.

6 "Ego Robertus" is repeated in both copies.

7 M. gives no other witness after this.

8 This is Walter de Percy de Kildale, the first witness to No. 76. Se notes there. The deed itself is a confirmation of the gift conveyed by No. 134.

9 These local names are of great interest, many of them from a philological point of view, and all of them as of possible aid in identifying the ancient property of the Abbey, in at least those cases where surviving designations help the inquiries of the antiquary. The alterations on the face of the country, made by the extensive enclosures of last century, and by the still more recent substitution of new and wider divisions between the fields of the various farms under the exigencies of improving agriculture, have destroyed for ever the opportunity of recovering many of these old names;

versus Laddegate; duas acras apud Blalandes; unam acram apud Fornflat; unam acram citra Caldecotes, versus mare; unam acram, et pratum apud orientem et occidentem de Ketelpittes;[1] et pratum apud Peselandes, ad occidentem et orientem—scil. cum illo tofto et crofto quem Osgod tenuit—libere et quiete et honorifice ab omni servitio et exactione sæculari, de me et de hær. meis in perpetuum. Et ut rata sit hæc mea confirmatio et stabilis, huic scripto in testimonium sigillum meum apposui. Hiis testibus. Radulfo de Nova Villa. Waltero de Camera. Roberto de Acclum. Roberto de Barnebi; et aliis.

CXLI. WILLELMUS MALEBYSE DE MIDELESBURG. [M. 11b.]

Omn. S. M. filiis Willelmus Malebise,[2] salutem. Notum sit universitati vestræ me d. et conc. et hac c. mea conf. Deo et Ecclesiæ S. Hyldæ de Midlesburc[3] et mon. ibid. Deo serv., in pur. et perp. elem., totas terras et pasturas de[4] feudo meo de Brachanhoc,[5] quas Hugo Malebise,[6] pater meus, et Hugo, frater

William Malebise confirms to the Cell of Middlesburgh all the lands, etc.,

but how many still remain may be seen in the sheets of the Ordnance Survey, and still more in the estate-books of the various owners, and learnt from the mouths of their different tenants. It would indeed be strange if it were not so; for, to give but one illustration, and that from the township mainly concerned in the present charter, the Gisburn charters *per se* afford a list of scarcely less than ninety local names in the township of Ormsby alone. All the local names mentioned in this deed are found there, once, or several times. Laddegate is in Marton; Buirtrekelde, Buirtrekeldehirst, Northlangpeselandes, Westlangpeselandes, as well as Peselandes simply, are also found in that township, and the 150 names of the kind given for these two townships only might afford material for an interesting and instructive essay. Buirtrestub—in the present vernacular "Bo'ttrestub" (elder-stub)—tells its own tale; but it is comparatively silent beside such names as Buirtrekeldehirst, Elvescarebrec, Uverneudic, Uverblalandes, Bradderbremwith, Milemerke, and numbers of others; while such a word as Markemot—met with in two charters once belonging to Wykeham Priory, and lent to the editor by the Dowager Viscountess Downe—connected with the parish of Wykeham, is of singular interest, and that of interest in divers connections.

[1] This name very probably indicates the site of an ancient settlement of "hut-pits." In the township of Danby the name Kettle, or Hell-kettle, is attached to a strange-looking lengthy hollow, or deep depression, which is simply due to geological subsidence. The bottom of it has sunk nearly a foot vertically during the winter of 1878-9.

[2] See No. 112. [3] *Midelburgh.* [4] *et.*

[5] M. Bracanhoc. [6] M. omits "Malebise."

of his fee given by his father Hugh, and brother Hugh, within the specified boundaries.

meus, Malebise, præd. Ecclesiæ et Mon. concesserunt—scil., hiis metis; sicut forera[1] Radulphi Longi vadit in fletum de Caldecotes, inde, per medium fletum, usque in fletum[2] molendini, versus Felebrige, usque proximam metam t'ræ Thomæ de Martona; et inde sursum usque foreram præd. (28[b]) Radulfi Longi. Et ego et hæredes mei warentizabimus et defendemus præd. t'ras et pasturas præn. Mon. erga o. h. in perp. de omnibus rebus. Hiis testibus.[3] Ricardo Malebise. Hugone, fratre suo. Gaufrido de Thorni. Alano Malekake; et aliis.

CXLII. ITEM DE MIDELESBURG. [M. 12.]

Thomas, son of Roger de Marton, confirms to the Cell of Middlesburgh and the monks of Whitby four acres in Brackenhill and two in Crossbydale, the gift of his father.

Omnibus S. M. Ecclesiæ filiis, Thomas filius Rogeri de Martona,[4] salutem. Sciatis omnes me conc. et d. et pr. c. [mea][5] conf. Deo et S. Hildæ de Midlesburc,[6] et Mon. de Wẏtebẏ, in lib. et perp. elem. iiii[or] acras in Brachanhil,[7] et duas in Crossebidale, quas præd. Monachi, tempore patris mei, in elemosinam tenuerunt, pro a. patris mei et matris meæ, et pro a. mea et uxoris[8] meæ et infantum meorum, et parentum meorum. Hiis testibus. Waltero Capellano. Thoma Capellano. Simone Presbitero; et aliis.

CXLIII. ITEM DE MIDELESBURG. [M. 12.]

Omn. Christi fidelibus, ad quos hoc pr. scr. pervenerit, præs. et futuris, Robertus filius Henrici, filii Rooe[9] de Ormesbi, salutem in D'no. Noverit univ. v. me, divinæ pietatis intuitu, conc. et d. et hac. pr. c mea conf. Deo et S. Petro et S. Hẏldæ de Wẏtebẏ, et monachis ibid. Deo serv., in lib. et pur. et perp. elem. viii[to] acras t'ræ in campo de Ormesbi—videl., apud Buirtrestub, tres acras, et, si quid ibi plus habeo; juxta Laddegate, duas acras; apud Blalandes i. acram; in Forneflat i. acram; et inter villam de Caldecotes et mare i. acram, cum tofto[10] et crofto quam Osgotus quondam tenuit de Henrico, patre meo, in v. de Ormesbi. Præterea conc. et dedi eisdem

[1] *foreta.* [2] *pletum.* [3] The witnesses are the same as in No. 112.
[4] See No. 129. [5] M. supplies "mea." [6] M. Midelesburg.
[7] M. Bracanhil. [8] *Uxor.* M. supplies the genitival form.
[9] M. Roe. See No. 140, which is the confirmation of this grant.
[10] *cofto.*

mon., et præs. c. confirmavi, in pur. et perp. elemosi[na]m,[1] quantum habeo prati apud Ketelpittes[2] apud orientem et occidentem; aliud etiam pratum eisdem conc. et dedi apud Peselandes; similiter, versus orientem et occidentem, quantum ad me pertinet, cum omnibus pert. et asiam. infra v. de Ormesbi et extra; pro s. a. meæ et antecess. meorum et succ. Et sciendum est quod ego, Robertus, et hær. mei præd. viii^{to} acras t'ræ, cum tofto et crofto, et cum præd. pratis et eorum pertinentiis, præd. Mon. warentizabimus c. o. homines. Et ut hæc mea concessio rata permaneat et stabilis, huic scr. sig.[3] meum apposui. Hiis testibus. Willelmo de Tamtona. Roberto de Laisingbi. Waltero de Martona. Roberto de Tunstal; et aliis.

CXLIV. Item de Midelesburg. [M. 12^{b}.]

Omn. Christi fidelibus, ad quos hoc scr. perv., præs. et futuris, Willelmus, filius Ricardi, filii Acceline de Levingthorp,[4] salutem. Noverit univ. v. me, divinæ pietatis intuitu, conc. et d. et pr. c. mea conf. Deo et Ecclesiæ S. Hildæ de Midelesburc,[5] in lib. et pur. et perp. elem., tres perticatas t'ræ in campo ejusdem villæ—scil., super ripam de Taÿse, in cultura illa quæ jacet inter culturam prioris de Giseburnia et molendi[n]um de Caldecotes, cum omnibus pert. et asiam. ad eandem t'ram pertinentibus. Et ego, Willelmus, et hær. mei warentizabimus et def. præd. t'ram c. o. h. pro s. a. nostrarum, et antecess. nostrorum in perpetuum. Hiis testibus. Gregorio de Levingthorp. Galfrido fratre ejus. Willelmo Cusin; et aliis.

CXLV. Item de Midelesburg. [M. 12^{b}.]

Omn. S. M. Ecclesiæ filiis, ad quos hoc scr. perv., præs. et fut., Willelmus filius[6] Line de Levingthorp,[7] salutem. Noverit univ. v. me, divinæ pietatis intuitu, et hær. meorum et antecess. assensu,[8] d. et conc. et pr. c. mea conf. Deo et Ecclesiæ S. Petri

William, son of Line of Levingthorp, with consent of his heirs,

[1] *elemosam.* [2] *Ketespittes.* [3] *sigillum scripto.*

[4] M. Levingtorp. In the Memorial (p. 7) is the entry:—"Ex dono Acelini, iiii acras et dimidiam," occurring in the midst of the donations to the Middlesburgh Cell. He is probably the grandfather of the present donor.

[5] M. Mideleaburg. [6] *filie.*

[7] M. Levingtorp. [8] *assensum.*

gives to Whitby two acres and a half of land in the fields of Airesome and Midlesburgh, parcel of the half carucate held by his late uncle, Geoffrey de Aresum, also one rood in Wandailes on Tees, towards the east of Middlesburgh, parcel of a second half carucate.

et S. Hẏldæ de Wẏtebẏ, et mon. ej[u]sdem loci, in lib. et puram et perp. elem., ii. acras t'ræ et dim. in Peniordale, in campo de Aresum et de Midlesburc[1]—scil. illas duas acras t'ræ et dim. quæ sunt remotiores [a] sole, in illa dimidia[2] carucata t'ræ quæ fuit Galfridi de Aresum,[3] avunculi mei. Præterea dedi eis et conc. in pur. et perp. elem. i. rodam terræ et dim. in Wandailes[4] super aquam de Taise,[5] versus orientem de Midlesburc,[6] quæ similiter pertinent ad dimid. carucatam t'ræ, cum pertinentiis et asiam. earum infra v. de Aresum et extra, ubique per omnes xii. carucatas t'ræ. Et sciendum est quod ego, Willelmus, filius Line de Levi[n]gthorp,[7] et hærede[s] mei war. et def. præd. terras, cum prædictis pert. et aisiam. earum, prænom. Mon. et . . .[8] suis de Midlesburc, ubique per omnes xii. carucatas t'ræ, c. o. homines. Hiis testibus. Gregorio de Levingthorp. Henrico Ruffo. Willelmo Cusin. Willelmo, et Willelmo; et aliis.

[1] M. Midelburg. [2] *dimidiam.* [3] M. omits "de Aresum."

[4] This word is one of very frequent occurrence in mediæval documents connected with this district, and yet remains in many local names dotted over the Ordnance maps. In No. 577 Richard de Percy de Dunsley, defining the extent of his grant to the Hermitage, employs these terms:—"cum his divisis, scil. totam terram meam de Midethet a balco qui est inter vandelas demenii mei et vandelas hominum meorum per cilium montis de Mulgrif, etc." Probably a "wandale," *vandela*, *vandayla*, or "wandaile," as in the present deed, was a single division, share, or "deal" of the large open arable field of any given township. Such fields are only just extinct in this part of North Yorkshire, and one of them was still extant at Staithes a few years ago, in which the low banks of division—"balks" of No. 577—still stood boldly up. In a deed of grant and confirmation of about the year 1285 (belonging to the Dowager Lady Downe), dealing with lands at Snainton, near Scarborough, one "wandayle" (unam wandaylam retro molendinum de Weldale), sundry "sillions" or "selions" of arable land, and two "dails" of meadow—"dailæ prati"—are described and transferred. The "selion" I take to be the ridge (or "land" of the local dialect) lying between two furrows, and the "dail of meadow" the portion allotted to any villager in the common meadow, or portion of grass-land set apart for hay, of the vill. Cf. Fr. *sillon*, a furrow, with *selio;* and A. S. *wang*, a field, *dæl*, a part or share, with *wandale*. Ducange has the odd form *wangnale*, a cultivated field. I suspect a misprint for *wangdale*.

[5] M. Wandayles super aquam de Tayse.

[6] M. Midlesburg. [7] M. Levingtorp.

[8] Left blank in A, and from "et" to "Midlesburc" omitted in M.

CXLVI. ITEM DE MIDELESBURG. [M. 13.]

Omn. Christi fidelibus hoc scr. vis. vel. aud., Rogerus de Baỳuse,[1] salutem. Noverit univ. v. quod ego, Rogerus de Baiuse, ex concessu et voluntate hær. meorum, conc. et d. et hac pr. c. mea conf. Deo et Ecclesiæ S. Petri et S. Hildæ de Wỳtebỳ, et mon. ibid. Deo (29b) serv., viii. perticatas prati de dominico meo in campo de Ormesbi juxta Stainbrigge,[2] in pur. et perp. elem., pro s. a. meæ, et uxoris meæ, et antecess. et succ. meorum: et in hujus concessionis meæ testimonium huic scr. sig. meum apposui. Hiis testibus. Alano de Berghebi.[3] Roberto de Barnebi.[3] Rogero Arundel; et aliis.

Roger de Baius, with consent of his heirs, gives to Whitby eight perches of meadow, parcel of demesne, in the fields of Ormesby.

CXLVII. ITEM DE MIDELBURG. [M. 13b.]

Sciant tam pr. quam fut., has litteras vis vel aud., quod ego, Thomas de Martona,[4] d. et conc. et hac pr. c. m. conf. Deo et S. Hỳldæ de Midlesburc[5] et mon. de Wỳtebỳ, in lib. et pur. et perp. elem., i. toftum et croftum quod[6] Galfridus, filius Reginaldi, tenuit[7] de me in Est Martona, proximum tofto quod fuit Willelmi Stuteville, versus meridiem; et i. culturam in-

Thomas de Marton gives to the Cell of Middlesburgh and the monks of Whitby a toft and

[1] See No. 134. It is not quite clear what the family connections of the present donor are. In a charter in Cott. MS. Jul. D. 1. (Rievaulx Chartulary), No. 75, wherein Ricardus Losth grants to Rievaulx 33 acres of land in Normanby, a township of the existing parish of Ormesby, Robert de Baiocis, with his two sons Roger and William, is among the witnesses. He is, it may be assumed, identical with the Robert de Baius who is recorded in the Memorial (p. 7) as the donor of one acre in Ormesby, and it is equally consistent with a more than reasonable probability that his son Roger aforesaid is the same man as the grantor of the present charter. But beyond that it is a mere speculation, though not at all improbable, that Robert was a son of Ranulph de Baieux, who, according to Dugdale, "tempore Henr. I., had great possessions in Lincolnshire," and "married Margaret, daughter of Alan de Lincoln, by whom he had four sons, Hugh, Alan, William, and Robert" (i. 573). Roger de Baius married Johanna Arundel, as will be seen from No. 134, where also the last witness named in the present deed is identified as her brother.

[2] M. Stainbrige.

[3] M. Bergeby.

[4] See Nos. 129, 142, in the former of which a like extent of land is specified as in the present deed.

[5] M. Midelesburg.

[6] "et" inserted.

[7] "tenuit" repeated.

croft estimated to contain eight acres of land, confirms also four acres more in Brackenhoue and Crossbydale, the gift of his father, also all his pasture in Brackenhoue within given limits.

tegram in campo de Martona, propinquiorem Alfelebrigge, de tota carucata mea, quæ computabitur pro viii. acris t'ræ, sive[1] contineat majus seu minus, sicuti jacet inter feodos quæ[2] fuerunt Willelmi Tosti et Willelmi Malebise,[3] extendens se in longitudine de divisa de Ormesbi usque ad aquam versus occidentem. Et insuper dedi et conc. præd. Ecclesiæ et mon. iiii. acras t'ræ et dim., quæ sic jacent—duas scil. acras et dim. in Brachanhoc[4] et duas[5] in Crossebidale,[6] quas præd. Mon., tempore patris mei, tenuerunt in elem., cum omnibus pert. et aisiam. pertinentibus ad præd. t'ras in pasturis et pa[s]cuis et pratis, viis et semitis, et omn. aliis rebus et aisiam. infra præd. v. de Martona et extra. Præterea dedi[7] eis et conc. totam pasturam quæ ad me et hær. meos pertinet in Brachanhoc,[4] absque omni retinemento, usque ad præf. divisas: Et ego et hær. mei præd. t'ras, cum pertinentiis, c. o. h. et f. warent. et defendemus. Hiis testibus. Gregorio de Levingthorp. Waltero Galicien.[8] Roberto filio ejus. Willelmo de Wẏtebẏ. Henrico Ruffo. Willelmo et Willelmo, tunc Capellanis; et aliis. [f. 30 *is left blank on both sides.*]

CXLVIII. (31) Privilegium de Wyteby in tempore Nicholai Abbatis.

Honorius[9] Episcopus, Servus servorum Dei, dilecto filio Nicholao,[10] Abbati Monasterii S. Petri de Wẏtebẏ, ejusque successoribus regulariter substituendis in perpetuum. Ad hoc nobis a Deo pastoralis officii cura commissa est, ut et bene placentem Deo religionem laboremus statuere ac stabilitam exacta diligentia conservare. Ea propter, dilecte in D'no fili, Nicolae Abbas, venerabilis fratris nostri, Turstini[11] Eboracensis Archie'pi, precibus inclinati, tuis rationabilibus postulationibus duximus annuendum. Statuimus enim ut Monasterium B. Petri de Wẏtebẏ cui, Deo auctore, præsse dinosceris, quæcunque in præsentiarum[12] juste et legitime possidet firma tibi tuisque

1 *siu.* 2 *quæ* in both M. and A. 3 M. Malebyse.
4 M. Bracanhoc. 5 *due.* 6 M. Crossebydale.
7 *dedit.* 8 No other witnesses given in M.
9 Honorius II. 1124-1130. The deed must therefore date before 1130.
10 Nicholas—ante 1129-c. 1139. 11 Thurstan, 1114-1140. 12 ita.

successoribus, et illibata permaneant. Quæcunque, præterea, in futurum, largiente Deo, concessione Pontificum, liberalitate Regum, largitione Principum, oblatione fidelium, seu aliis justis modis, poteritis adipisci, firma vobis et integra conserventur; salva nimirum diocesani Episcopi justitia et reverentia. Decernimus ergo ut nulli omnino hominum liceat præfatum Monasterium temere perturbare, aut ejus possessiones auferre, vel ablatas retinere, minuere, vel temerariis vexationibus fatigare: sed omnia integra conserventur, eorum, pro quorum sustentatione et gubernatione concessa sunt, usibus omnimodis profutura. Si quis, autem, huic nostri constitutioni sciens, temerario ausu, contrarie temptaverit, nisi præsumptionem suam digna satisfactione correxerit, anathematis sententiam se noverit incursurum. Datum Laterani v. Idus Decembris.

CXLIX. Privilegium de Wyteby tempore Benedicti Abbatis.

Eugenius[1] Episcopus, Servus servorum Dei, dilectis filiis Benedicto,[2] Abbati Monasterii S. Petri et S. Hildæ de Wẏtebẏ, ejusque fratribus, tam præs. quam fut., regularem vitam professis in perpetuum. Piæ postulatio voluntatis effectu debet prosequente compleri, ut devotionis sinceritas laudabiliter enitescat, et utilitas postulata vires indubitanter assumat. Quocirca, dilecti in D'no filii, vestris justis postulationibus clementer annuimus, et præfatum S. Petri Monasterium, in quo divino mancipati estis obsequio, sub B. Petri et nostra protectione suscipimus, et præsentis scripti privilegio communimus, statuentes ut, quascumque possessiones, quæcumque bona idem Monasterium juste et canonice possidet, aut in futurum concessione Pontificum, largitione Regum, vel Principum, oblatione fidelium, seu aliis (31[b]) justis modis, præstante Domino,

[1] Eugenius III., 1145-1153.

[2] Nicholas, it is nearly certain, was Abbot still in 1132 (see Mr. Hodgson Hinde's Preface to *Symeon of Durham*, vol. i. p. xxxi), but how long after there are no means of ascertaining. Young (p. 259) says of him—"He appears to have governed the monastery about ten or twelve years," but he assigns no reason or ground for such an assumption. But as the date of Benedict's resignation—viz., 1148—is known, the date of the present confirmation lies between 1145 and 1148.

poterit adipisci, firma vobis vestrisque successoribus, et illibata, permaneant. In quibus hæc propriis duximus exprimenda vocabulis:—Villam quæ vocatur Wẏtebi, ex dono Willelmi de Perci, et Alani filii ejus: Niderbi,[1] Overbẏ,[2] Tingwal,[3] Lairpel,[4] Hellerdale,[5] Stainsecher, Gnipe, Houkesgard, Normannebi, Figeling et aliam Figeling, Berthuait,[6] Bilrod,[7] Snetun, Uggelbardebi, Saurebi,[8] Dunslaie, Neuham, Stakesbi, Baldebẏ,[9] Brecce,[10] Flore,[11] Risewarp; forestas quæ pertinent ad villam de Wẏtebẏ; villam de Hakenes, Sifthou,

[1] In the Memorial (p. 3), where there is a corresponding list to this in the present document, we find "Neðrebi id est Steinsecher;" here Stainsecher is separated from Niderbi, and, without doubt, wrongly so. In the same way, what in the Memorial is "Gnip, id est Hauchesgard," is in this deed resolved into two separate places. The identification of the Memorial may surely be taken in both instances. Stainsacre then, at the present time, represents Netherby or Niderbi.

[2] Charlton, without comment, gives High Whitby as the site of Overby.

[3] Thingwala in the Memorial. One of the most remarkable, if not actually the most remarkable, of all the words or names in the Chartulary. It remained for the editor of the present volume to be the first to call attention to it. In the *Glossary of the Cleveland Dialect*, Introd. p. 12, note, he writes—"This name is so marked that it is difficult to conceive it should never have attracted attention from any local historian or antiquary before. 'Tingwall, hvor, som navnet (þinga völlr) antyder, Öernes Hovedthing gjennem Aarhundreder blev holdt,' as Worsaae says of the famous Thingwal of Shetland, are words fully as expressive, beyond doubt, and as capable of application in the case of the Whitby Thingwala, as in Chester, Orkney, Ross-shire, or Shetland itself. It was, as surely as in these other cases, the *hovedthing*, or principal political and judicial meeting-place for the district; and it speaks very intelligibly of the extent to which the district was not only under the influence of, but inhabited by, men of Northern or Danish origin, that such a place of meeting should have existed in Cleveland."

[4] Larpool.

[5] "This is that dale through which a nameless beck runs, which empties itself into the Esk at Spital Bridge."—(Charlton, p. 69, note.) See mention made of it in No. 572.

[6] M. Bertuait. The site unknown. Setwait is mentioned next in order in the Memorial, but is omitted here.

[7] M. and A. both read Bilrod; Bilroche elsewhere: now Billery.

[8] According to Charlton, identical with Sneaton-Thorp.

[9] Baldbyfields; known by that name till lately, if not still; lying on the slope on the right hand as one leaves the Station by train.

[10] Uncertain. Charlton says, "probably Cross-Butts." Brec in M.

[11] Stereotyped in Flowergate.

Nordfeld, Sudfeld,[1] Everlaÿe, Brokesaÿe,[2] walles quæ pertinent ad Hakenessam, pasturam de Gaÿtelaÿe, et de Thornelaÿe;[3] duas carucatas t'ræ in Brinistona;[4] duas carucatas t'ræ in Caitona,[5] de dono Durandi; unam carucatam t'ræ in Buttrewÿc, et duas bovatas in Scamestun et unum molendinum; unam carucatam t'ræ in Raucebi; ex dono Roberti de Brus, duas carucatas t'ræ et duas bovatas in Neuham, ecclesiam S. Hildæ de Midlesburg, et unam carucatam terræ; ecclesiam de Hotun in Pikerlinglid;[6] duas carucatas t'ræ in Taulestona; ex dono Alani de Perci, unam carucatam t'ræ in Hotona juxta Rokesburgum et unam in Oxenham; dimidiam carucatam t'ræ ex dono Pagani in Wicham; et dimidiam carucatam terræ in Hilderwelle; ex dono Willelmi de Perci medietatem pischariæ de Ergum; ecclesiam Omnium Sanctorum de Fiskergate[7] in Eboraco, cum pertinentiis suis; terram in eodem loco, ex dono Gernegoti; ex dono Outhani, unam mansuram in Walmegate; ex dono Rogeri de Mubrai, unam mansuram ad Pontem Fossæ; ex dono Paganæ unam mansuram juxta eccl. S. Wilfridi; duas mansuras in Vasagate,[8] et tertiam ex dono Emmæ Matris Alani; terram Johannis Larderarii;[9] duas partes decimæ de Wiltona, de Uplium, de Samare, de Naffertona, de Staxton; in Lindesaÿe, de Emmingham, de Sumerledebÿ, de Outhen,[10] de Staintona, de Caprimonte, de Ludeford, de Elchintona, de Covenham; decimam quam habetis in Boithorp[11] et in Wicham, et in Atuna; portum de Wÿtebÿ, et quicquid juris ibi habetis. Obeunte te, vero, nunc ejusdem loci Abbate, aut tuorum quolibet successorum, nullus inibi quolibet subreptionis hastutia, seu violentia, præponatur, nisi quem fratres communi consensu, vel pars sanioris consilii, secundum Dei timorem et Benedicti regulam, providerint eligendum. Decernimus ergo ut nulli omnino hominum liceat præfatum (32) locum temere perturbare, aut ejus possessiones auferre, vel ablatas retinere, minuere, seu aliquibus vexationibus fatigare; sed omnia integra conserventur pro quorum gubernatione et sustentatione

[1] M. Suthfeld. [2] M. Brocesay. [3] M. Torenlaye.
[4] M. Briningestona. [5] M. Kaytona.
[6] M. Hotona in Pikeringlith. [7] M. Fiskeregate.
[8] M. Usegate. [9] M. Lardenarii.
[10] This is Dautnebi, or de Authnebi, in other deeds. [11] M. Boytorp.

concessa sunt usibus omnimodis profutura, salva Sedis Apostolicæ auctoritate, et diocesani Episcopi canonica justitia. Si qua igitur in futurum ecclesiastica sæcularisve[1] persona, hanc nostræ constitutionis paginam sciens, contra eam temere venire temptaverit, secundo tertiove commonita, si non satisfactione congrua emendaverit, potestatis honorisque sui dignitate careat, reamque se Divino judicio existere de perpetua iniquitate cognoscat, et a sacrissimo corpore et sanguine Dei et D'ni nostri aliena fiat, atque in extremo examine districtæ ultioni subj[a]ceat: cunctis autem eidem loco sua jura servantibus sit pax Domini nostri Jhesu Christi quatinus, et hic fructum bonæ actionis percipiant et apud[2] districtum Judicem præmia æternæ pacis inveniant. Amen, amen.

CL. De novalibus et nutrimentis animalium tempore Abbatis Rogeri.[3]

Honorius[4] Ep'us, Servus servorum Dei, dilectis filiis, Abbati et Conv. de Wÿtebÿ, salutem et Apostolicam benedictionem. Cum a nobis petitur quod justum est et honestum, tam vigor æquitatis quam ordo exigit rationis ut id per sollicitudinem officii nostri ad debitum producatur effectum. Ea[5] propter, dilecti in Domino filii, vestris justis precibus inclinati, personas vestras, et locum in quo divino estis obsequio mancipati, cum omnibus bonis quæ in præsentiarum rationabiliter possidet, aut in futurum justis modis, præstante Domino, poterit adipisci,[6] sub B. Petri et nostra protectione suscipimus. Specialiter autem libertates et immunitates, terras, redditus, possessiones, et alia bona, monasterio vestro pia fidelium liberalitate concessa, sicut ea juste, canonice, ac pacifice obtinetis, vobis et Monasterio ipsi per vos, auctoritate Apostolica confirmamus, et præs. scripti patrocinio communimus; districtius inhibentes ne quis de novalibus vestris, quæ propriis manibus aut sumptibus colitis, seu de vestrorum animalium nutrimentis, decimas a vobis exigere vel extorquere præsumat. Nulli ergo omnino hominum liceat hanc paginam nostræ protectionis, confirmationis et inhibitionis infringere,[7] vel ei, ausu temerario, contraire. Si quis autem hoc a[t]temptare præsumpserit, indig-

[1] *secularies vc.* [2] *aq'.* [3] Roger de Scardeburg, *c.* 1222-1244.
[4] Honorius III. 1216-1227. [5] *Et propter.*
[6] M. abhipisci. [7] *infringerere.*

nationem Omnipotentis Dei et Beatorum Petri et Pauli, Apostolorum ejus, se noverit incursurum. Datum Laterani iiii Idus Aprilis, Pontificatus nostri anno octavo.[1]

CLI. (32[b]) ALIUD TEMPORE ROGERI ABBATIS. [M. 173.]

Honorius Ep'us, Servus servorum Dei, dilectis filiis, Abbati Mon'ii[2] de Wẏtebẏ, ejusque[3] fratribus, tam præs. quam fut., regularem vitam professis in perpetuum, salutem. Religiosam vitam eligentibus Apostolicum convenit adesse præsidium, ne forte cujuslibet temeritatis incursus aut eos a proposito revocet aut robur, quod absit, sa[n]ctæ religionis infringat. Ea propter, dilecti in D'no filii, vestris justis postulationibns clementer annuimus, et præfatum Mon'ium de Wẏtebẏ, in quo divino estis obsequio mancipati, sub B. Petri et nostra protectione suscipimus, et præs. scr. privilegio communimus:—In primis siquidem statuentes, ut ordo monasticus, qui, secundum Deum et B. Benedicti regulam, in eodem Monasterio institutus esse dinoscitur, perpetuis ibid. temporibus inviolabiliter observetur. Præterea, quascumque possessiones, quæcumque bona, idem Mon'ium in præsentiarum juste ac canonice possidet, aut in futurum, concessione Pontificum, largitione Regum vel Principum, oblatione fidelium, seu aliis justis modis, præstante Domino, poterit adipisci, firma vobis vestrisque successoribus, et illibata, permaneant. In quibus hoc propriis duximus vocabulis:—Locum ipsum in quo præfatum Mon'ium situm est, cum omnibus pertinentiis suis; ecclesiam B. Mariæ de Wẏtebẏ, cum de Fieling,[4] de Houkesgard,[5] de Snetuna,[6] de Ugelbardeby, de Eskedala, de Asolvebi, et de Dunesle capellis; et cum Heremitorio de Mulegrive; eccl. S. Petri de Hakenesse, cum pertinentiis suis; eccl. de Crossebẏ Ravenswart, cum pert. suis: eccl. de Atona, cum de Parva Attona[7] et de Neutun[8] capellis, et capella de Thorp;[9] eccl. de Engelbẏ, cum molendino et omnibus pert. suis; eccl. S. Hildæ de Midlesburg,[10] cum pert. suis; eccl. Omn. Sanctorum in Fishergate,[11] cum pert. suis; Heremitorium de Gothelande,[12] cum pert. suis;

[1] 1224. [2] M. supplies "et conventui" here. [3] M. ejusdemque.
[4] M. Filing. [5] M. Haukesgard. [6] M. Snetona.
[7] M. Atona. [8] M. Neutona. [9] M. Torp.
[10] M. Midelburg. [11] M. Fisheregate. [12] M. Godeland'.

ex dono Alani Buscel, terram de Persiecroft[1] cum pert. suis; ex dono Walteri de Perci duas carucatas in Neutona in Waldo; duas bovatas t'ræ in Uplium: villam de Sutfixelinga[2] cum pert. suis; et alias possessiones, cum pratis, vineis,[3] terris, nemoribus, usuagiis[4] et pascuis, in bosco et plano, in aquis et molendinis, in viis et semitis, et omn. aliis libertatibus et immunitatibus suis. Sane novalium vestrorum, quæ propriis manibus aut sumptibus colitis, vel de nutrimentis animalium vestorum, nullus (33) a vobis decimas exigere vel extorquere præsumat. Liceat quoque vobis clericos vel laicos, liberos et absolutos e sæculo fugientes, ad conversionem recipere, ac eos absque contradictione aliqua retinere. Prohibemus, insuper, ut nulli fratrum vestrorum, post factam in ecclesia vestra professionem, fas sit, sine Abbatis sui licentia, de eodem loco, nisi arc[t]ioris religionis obtentu, discedere; discedentem vero absque communium litterarum vestrarum cautione nullus audeat retinere. Cum autem generale interdictum terræ fuerit, liceat vobis, clausis januis, exclusis excommunicatis et interdictis, non pulsatis campanis, suppressa voce divina officia celebrare. In parochialibus vero ecclesiis, quas habetis, liceat vobis sacerdotes diocesano E'po præsentare, quibus, si idonei[5] fuerint, E'pus curam animarum committat, ut ei de spiritualibus, vobis vero de temporalibus rationem exhibeant competentem. Sepulturam quoque ipsius loci liberam esse decernimus, ut eorum devotioni et extremæ voluntati, qui se illic sepeliri deliberaverint, nisi forte excommunicati vel interdicti sint, nullus obsistat; salva tamen justitia illarum ecclesiarum a quibus mortuorum corpora assumuntur. Obeunte vero te, nunc ejusdem loci Abbate, vel tuorum quolibet successorum, nullus ibi, qualibet surreptionis astutia seu violentia, præpona-

[1] M. Prestecroft. [2] M. Sutfiveling.

[3] If this refers to a reality, and is not a mere figure of speech, it testifies to a strangely different condition of temperature and atmosphere from that which prevails in the nineteenth century. It is by no means impossible that it may have been so, when one reflects on the present denuded condition of the district, and what used to be the order of things when more than half of the present area, exclusive of the moors, was covered with dense forest, and when, besides this, large pine-growing tracts, every here and there, prevailed where there are now merely peat-producing swamps.

[4] So in both copies. [5] *idononei.*

tur, nisi quem fratres, communi consensu, vel fratrum pars majoris et sanioris consilii, secundum Deum et B. Benedicti regulam, providerint eligendum. Libertates quoque et immunitates antiquas, et rationabiles consuetudines Ecclesiæ vestræ concessas, et actenus observatas, ratas habemus, et eas perpetuis temporibus illibatas permanere sancimus.[1] Paci quoque et tranquillitati vestræ paterna in posterum sollicitudine providere volentes, auctoritate Apostolica prohibemus ut infra clausturas locorum seu grangiarum vestrarum nullus rapinam seu furtum facere, ignem apponere, sanguinem fundere, hominem temere capere, vel interficere, seu violentiam audeat exercere. Decernimus ergo ut nulli omnino hominum liceat præfatum Mon'ium temere perturbare, aut ejus possessiones auferre, vel ablatas retinere, minuere, seu quibuslibet vexationibus[2] fatigare; sed omnia integra conserventur eorum, pro quorum gubernatione ac sustentatione concessa sunt, usibus omnimodis profutura; salva Sedis Apostolicæ (33) auctoritate, et diocesani Ep'i canonica justitia. Si qua igitur in futurum[3] ecclesiastica sæcularisve persona, hanc nostræ constitutionis paginam sciens, contra eam temere venire temptaverit, secundo tertiove commonita, nisi reatum suum congrua satisfactione correxerit, potestatis honorisque sui careat dignitate, reamque se Divino judicio existere de perpetua iniquitate cognoscat, et a sacratissimo corpore ac sanguine Dei et Domini Redemptoris nostri, Jhesu Christi, aliena fiat, atque in extremo examine districtæ subjaceat ultioni. Cunctis autem eidem loco sua jura servantibus sit pax Domini nostri Jhesu Christi quatinus, et hic fructum bonæ actionis percipiant, et apud districtum Judicem præmia æternæ pacis inveniant. Amen. [*Two-thirds of* f. 33ᵇ *left blank; and also* ff. 34-38 *entirely blank.*]

CLII. (39) CARTA AGNETIS DE SCARDEBURG.

Omn. Christi fidelibus hanc. c. vis. vel aud., Agnes, quæ fuit uxor Gregorii Cart',[4] salutem. Sciatis me, in lib. viduetate mea Agnes, widow of Gregory Cart',

[1] *sencimus*; M. sancimus. [2] *vexsationibus*.

[3] *futuium*.

[4] This name may be Carter, but it is not a usual name. Carthorp is more probable, but not warranted by the abbreviation employed.

grants to Whitby certain land in Scarborough, formerly belonging to Goda de Scorham.

et potestate, d. c. et hac c. mea conf. Deo et Domui S. Petri de Wẏtebi, et Dei servientibus ejusdem loci, pro s. a. Gregorii Cart' et a. meæ, et antecess. nostrorum, illam t'ram in v. de Scardeburg quæ fuit Godæ de Scorham, cum pert., quæ jacet inter t'ram quæ fuit Simonis [S]cot et t'ram Matildæ filiæ Gerardi Poplicani, in perp. elemosinam. Et ut hæc mea donatio et confirmatio rata sit et stabilis dictæ Domui et ibidem servientibus, hanc cartam,[1] sigillo meo roboratam, in warantum et testimonium eis tradidi. Hiis testibus. Ada Halda[n];[2] et Roberto Farman, tunc Ballivo. Willelmo de Rostona;[3] et aliis.

CLIII. Conventio inter Abbatem [de] Wyteby et Rievallis.[4]

Omn. S. M. Ecclesiæ filiis pr. et fut., Rogerus,[5] Abbas, et Conv. Rievallensis, salutem. Noverit univ. v. quod, in A. G. mi° c°c° vicessimo septimo, ita convenit inter nos et D'um Rogerum, Abbatem, et Conv. de Wẏtebi, pro conservatione mutuæ pacis perpetuo conservanda, quod nos concessimus quod nunquam recipiemus de cætero t'ram sive pasturam de feodo dictorum Abbatis et Conv. de Wẏtebi, nisi de licentia [et] permissione eorundem. Et in h. r. t. præs. cartam[6] sigilli nostri autentici appositione roboravimus. Hiis testibus. Dompno Michaele,[7] tunc Priore de Giseburnia. Willelmo de Thameton. Willelmo de Bartona; et aliis.[8]

1 *coram.*

2 Written *Halda*, with no mark of contraction. The name Haldan occurs in No. 320.

3 A William de Roston, probably the same, is witness to a convenit between the Abbot of Whitby (John de Steyngrave) and Walter, Clerk of Roston (No. 521), dated 1246.

4 This deed is repeated in No. 383, where, however, several other witnesses' names are added. See also No. 541.

5 Roger, Abbot of Warden, elected 1244.

6 *et* inserted here in A.

7 *Matheo.* It is almost needless to say there was no Prior Matthew. The name of Michael is given in No. 383, who was Prior 1218-30.

8 The additional witnesses in No. 383 are Henr. de Folketon, Joh. Seneschallus Petri de Mauley, Will. (identified as Will. de Ebor. in No. 541) Senesc. D'ni Abbatis de Whitby, Henr. Baret.

CLIV. Ricardus filius Quinild de Stanseker. [M. 59[b].]

Omnibus has litteras vis. vel aud., Ricardus, filius Quinildo[1] de Stainsecre,[2] salutem. Noverit univ. v. me dedisse, assensu uxoris meæ Hawysæ,[3] conc. et quietam clamasse totam t'ram meam quam habui, vel habere debui, in territorio de Stainsecre,[2] Ecclesiæ S. Petri et S. Hildæ de Wẏtebi, et mon. ibid. Deo serv., pro[4] me ipso et uxore mea, Hawẏsa, adeo[5] ratam et quietam quod nullus de success. nostris aliquid[6] juris in ea habeat vel habere possit. Et ut hæc donatio et mea quieta clamatio rata sit et stabilis in perp., hoc pr. scr. sig. nostri munimine roboravi, et illud optuli super altare S. Petri et S. Hildæ de Wẏtebi. Hiis testibus.[7] Rogero Capellano. Magistro Hugone de Fostona. Thoma de Houkesgard; et aliis.

Quinildo de Stainsacre, with consent of his wife Hawys, quitclaims to Whitby all her land in Stainsacre.

CLV. Emma Wasthose de Ellerburne.

Omn. Christi fidelibus ad quos pr. scr. perv., Emma Wasthose,[8] salutem. Noverit univ. v. me, de propria voluntate mea, et in viduitate, d. c. et hac pr. c. m. conf. Deo et Ecclesiæ S.

Emma Wasthose grants to Whitby

[1] M. Quild'. The name Thomas Qwinild occurs in the Kirkby's Inquest Vol., p. 254. See No. 157.

[2] M. Staynsekerr. [3] M. Hawisiæ. [4] *cum.* M. pro.

[5] *ad eorum.* [6] *aliquis.*

[7] M. gives no witnesses at all. From the witnesses' names the deed dates from the early part of the thirteenth century.

[8] Widow of Henry de Ormesby, as appears from No. 156. Among the original charters preserved in York Museum is one by this lady, sufficiently interesting to merit insertion here:—Sciant omnes pr. et fut. quod ego, Emma Wastehose, in plena potestate et lib. viduit. mea, d. et c. et hac pr. c. mea conf. Radulfo de Fyheling et Sunnivæ, uxori suæ, libertatem corporum suorum: Ita scil. quod prædicti Rad. et Sunniva et pueri sui sint liberi, et de omnimodo vilenagio corp. suorum et catallorum eorum quieti erga me et hær. meos in perpetuum; et ne ego, Emma, nec hær. mei, aliquo tempore venire possimus contra libertatem quam per istam cartam prædictis Rad. et Sunnivæ, cum sequela sua et catallis suis, conc. et confirmavi, præs. cartam, eorum libertatem protestantem, impressione sigilli mei roboratam, illis contuli in testimonium ituris et redituris et moram facturis ubicunque voluerint, sine impedimento et calumpnia mei et hær. meorum. Hiis testibus. Mag'ro Roberto de Marisco, tunc temporis Rectore Ecclesiæ de Henngb'g. Jordano de Menetorp. Roberto de Haketorp. Radulfo de Babetorp. Ada de Nehus. Ricardo de Neville. Willelmo de Bilton.

a half-carucate of land in Fyling, which she held of Ric. de Wyville by rendering annually "dimidium sperverium sorum."

Petri et S. Hildæ de Wÿtebi, et D'no Rogero Abbati, et mon. ibid. Deo serv., dimid. carucatam t'ræ in territorio de Fielinga, lib. et qu. omnibus servitiis, demandis et exactionibus :—illam scil. dim. car. t'ræ quam tenui de Ricardo de Wÿevile et hær. suis: Reddendo inde annuatim hæredibus Ricardi de Wiville dimidium sperverium sorum[1] pro omn. servitiis et demandis ad præd. t'ram pertinentibus (39^{b}). Ego vero, Emma Wasthose prænominata, et hær. mei præd. Ecclesiæ de Wÿtebi præd. dim. car. t'ræ c. o. h. et f. in perp. warentizabimus. In hujus r. t. pr. scr. sig. meum apposui. Hiis testibus. D'no Willelmo Buscel. Roberto de Ormesbi, Persona de Teweng. Rogero, Capellano de Wytebi; et aliis.

CLVI. Henricus de Ormesbi et Emma Wasthose. [M. 82.]

Henry de Ormesby and his wife, Emma Wasthose, grant to Whitby the half-carucate in Fyling which they held of Ric. de Wyville on rendering for it "dim. sparverium sorum."

Omn. Christi fidelibus, ad quos pr. scr. perv., Henricus de Ormesbi et Emma Wasthose,[2] uxor ejus, salutem. Noverit univ. v. nos d. c. et hac pr. c. nostra[3] conf. Deo et Ecclesiæ S. Petri et S. Hildæ de Wÿtebi,[4] et D'no Rogero, Abbati, et mon. ibid. Deo serv., dim. carucatam t'ræ in territorio de Fielinga,[5] lib. et qu. ab omnibus serv., demandis, et exactionibus—Illam scil. dim. car. t'ræ quam tenuimus de Ricardo de Wivile[6] et de hær. suis: Reddendo inde annuatim hær. Ricardi de Wivile[7] dim. sperverium sorum pro omnibus serv. et demandis ad præd. t'ram pertinentibus. Ego vero Henricus prænominatus, et Emma Wasthose, uxor mea, præd. Ecclesiæ de Wytebi[4]

[1] Charlton, p. 201, construes this phrase "half of a soaring sparrow-hawk" without further comment. Young, p. 305, note, adverting to this, says :—"*Sparverius*, or rather *spervarius*, is indeed used in old charters to signify a *sparrow-hawk;* but *half* a sparrow-hawk could be of no value, unless we understand the term to mean *half the price* of one. Perhaps 'dimidium spervariumsorum' may denote half *a flight* (*or set*) of sparrow-hawks. After all, as the original word is much contracted, and may be read various ways (!), it very probably has another meaning which remains to be discovered." The meaning is clear; *sorus* simply bearing reference to the prevailing colour of the plumage of bird in its first year, while the *dimidius* merely implies that the service for the whole carucate in question had originally been one young sparrow-hawk.

[2] See No. 155. [3] *mea.* M. nostra. [4] M. Witebi.

[5] M. Filing. [6] M. Wyevile. [7] M. Wyvile.

præd dim. car. t'ræ c. o. h. et f. [in perp.][1] warentizabimus. In hujus r. t. pr. scr. sig. nostra apposuimus. Hiis testibus. D'no Willelmo Buscel. Roberto de Ormesbi, Persona [de] Teweng.[2] Rogero, Capellano de Wytebi; et aliis.

CLVII. Matilda filia Ricardi de terra de Staynseker. [M. 59b.]

Omnibus has litteras vis. vel. aud., Matildis, filia Ricardi, filii Quenildo,[3] salutem. Noverit univ. v. quod ego, præfata Matildis, quicquid juris habui vel debere habui in t'ra de Steinsecre,[4] quam Ricardus, pater meus, secum et cum uxore sua, matre mea, Hawisa, domui de Wÿtebi optulit—scil. Abbatiæ S. Petri et S. Hildæ de Wytebi,[5] ex toto quietum clamavi pro quinque marcis argenti, quas mihi D'nus Rogerus, Abbas de Wÿtebi,[6] ad[7] me maritandam dedit. Et ut hæc mea quieta[8] clamatio rata sit et stabilis, hoc pr. scr. sig. mei impressione dignum duxi roborandum. Hiis testibus. Rogero Capellano. Magistro Hugone de Fostona. Willelmo, Senescallo de Wÿtebi; et aliis.

Matilda, daughter of Richard, son of Quenildo, sells and quitclaims all right she might have in the Stainsacre land given by her father and mother, for five marks advanced by Abbot Roger as her dowry.

CLVIII. Henricus Escrop de II. bovatis in Norfilinga. [M. 80b.]

Omnibus hoc scr. vis. vel aud., Henricus Esscropp'[9] et Giliana,[10] uxor ejus, salutem in D'no. Noverit univ. v. nos d. c. et hac pr. c. nostra conf. Deo et Ecclesiæ S. Petri et S. Hildæ de Wÿtebi,[11] Abbati et mon. ibid. Deo serv., duas bovatas t'ræ in v. de Northfiling,[12] in lib. pur. et perp. elemosina[m], cum omn.

Henry le Scrope and his wife Giliana (or Juliana) grant to Whitby two bovates

[1] M. supplies "in perpetuum."
[2] M. de Tueng.
[3] See No. 154. M. Ric' Quild'.
[4] M. Staynsekerr.
[5] M. omits from "optulit" to "de Wytebi."
[6] M. Whiteby.
[7] *de.* M. ad.
[8] *quiete.*
[9] M. Escrop. "Henry le Scrope married Julian, daughter of Roger Brune of Thornton. He was son of Simon le Scrope of Flotmanby, and by the name of Henr. fil. Simonis Scrope he gave to Bridlington all his lands in Flotmanby lying between Waldike and the marsh of the said vill, together with the homage and service of Walter Schankes and his heirs, for two bovates of land, which Alice le Scrope, relict of Ivo fil. Walter de Stanton quitclaimed, etc."—(*Controversy between Sir Richard Scrope and Sir Robert Grosvenor*, p. 8.)
[10] M. Juliana.
[11] M. Witeby.
[12] M. Nordfiling.

in North Fyling formerly held of them by one Nigel.

pert. suis, infra v. et extra—Illa[s] scil. duas bov[at]as t'ræ quas Nigellus quondam de nobis tenuit, solutas, lib. et quietas ab omn. servitiis, dem. et exactionibus. Istam vero donationem et concessionem et confirmationem ego, dictus Henricus, et Giliana[1] uxor mea, vel hær. nostri, c. o. h. et f. in perp. warantizabimus. Et si forte contingat (40) quod istas duas bov. t'ræ eis warantizare non poterimus, nos vel hær. nostri eis escambium ad valentiam prædictarum duarum bovatarum faciemus. Hiis testibus. Roberto, Capellano de Fieling.[2] Petro, Capellano de Hakanes.[3] Willelmo de Eboraco, tunc Senescallo D'ni Abbatis de Wẏtebi. Thoma de Houkesgard; et aliis.

CLIX. Confirmatio Rogeri Brun. [M. 81.]

Roger Brun of Thornton, with consent of his wife Isabella, confirms to Whitby the donation of Henry le Scrope and his wife Juliana, daughter of the above Roger Brun.

Omnibus hoc scr. vis. vel aud., Rogerus Brun de Thorentona,[4] salutem in D'no. Noverit univ. v. me, consensu Ysabellæ[5] uxoris me[æ] et hær. meorum, conc. et hac pr. c. mea conf. Deo et Ecclesiæ B. Petri et S. Hildæ de Wẏtebi,[6] Abbati et mon. ibid. Deo serv., donationem et concessionem quas Henricus Escrop et Juliana uxor sua, filia mea, eis fecerunt, et carta sua confirmaverunt—scil. de duabus bovatis t'ræ in v. de Northfiling,[7] cum omn. pert. suis infra v. et extra, quas Henricus Escrop et Juliana, uxor ejus, filia mea, eis dederunt in lib. et pur. et perp. elemosinam: et in hujus r. t. pr. scr. sig. meum apposui. Hiis testibus. Roberto, Capellano de Fieling.[8] Petro, Capellano de Hakenes.[9] Willelmo de Eboraco, tunc Senescallo Abbatis. Thoma de Houkesgard. Rogero de Hẏrtuna; et aliis.

CLX. Rogerus Brun de una bovata in Norfiling. [M. 81.]

Universis has litteras vis. vel aud. Rogerus Burigan, salutem. Noverit univ. v. me d. c. et hac c. mea conf. D'no Rogero, Abbati, et Conv. de Wẏtebi[10] unam bov. t'ræ in Norfielinga,[11] cum tofto et crofto, et eorum aisiamentis et[12] ædificiis, et omn. pert. suis infra v. et extra, in lib. pur. et perp. elemosinam—

[1] M. Juliana. [2] M. Filing. [3] M. gives no further witnesses.
[4] M. Torentona. See last deed. [5] M. Isabelle.
[6] M. Witeby. [7] M. Nordfiling. [8] M. Filinga.
[9] M. admits no more witnesses. [10] M. Witeby.
[11] M. Nordfiling. [12] "aisiamentis et" supplied from M.

illam videl. bovatam quæ jacet propinquior t'ræ dicti Abbatis et Conv. versus solem, pro pecunia quam mihi præ manibus dederunt in magna necessitate mea, sol[ut]am et quietam ab omnibus serv., dem. et exactionibus. Et ego, præd. Rogerus Burigan, et hær. mei præd. bov. t'ræ, cum omn. pert. suis, præd. Abbati et Conv. de Wÿtebi adeo libere et quiete warantizabimus, sicut aliqua elemosina ab aliquo possit liberius et quietius warantizari. Et sciendum est quod ego, præd. Rogerus, et hær. mei, firmam et serv. de Hornegarth,[1] et carucam et falces, et omnia

[1] M. Hornegard. Both Young and Charlton deal with the absurd fable—for it can hardly be called legend—which professes to explain the origin of the service called Horngarth, the former at pp. 308-314, the latter, pp. 125-132, and both of them expose the historical misstatements and contradictions involved in it; but both of them are equally at a loss to assign a reasonable explanation of either origin or object in its place. Young says—"What was the use of this garth it is not so easy to ascertain. Perhaps it was the Abbot's coal-yard, where the coals for the monastery were delivered and laid up; or it might be, as Charlton conjectures, a kind of store-yard, where goods were landed and deposited." Charlton's guesses, or some of them, will be found at p. 128. There is no need to deal with any of them in detail; they are all equally unsatisfactory, not to say absurd. There can be no question as to the antiquity of the service, inasmuch as in No. 265 Abbot Benedict, in renewing to William de Percy, son of Richard de Percy de Dunsley, the plenary grant of that territory as previously enjoyed by his father, specifies a yearly payment of two marks in lieu of all other services, "excepto Hornegarth quantum ad terram suam pertinet." This carries back the existence of the service in question to the times of the Founder, the aforesaid Richard de Percy being his son. There can be equally little in the way of question as to the comprehensive nature of the obligation to render the said service; it seems clearly to have been compulsory on all the "homines," or sub-feudatories, of the Abbey. Charlton notes this, p. 130, specifying, and quite correctly, those who held Dunsley, Sneton, Everley, Ugglebardby, Sleights, Fylingdales, and inferring the same of all the homagers in the Liberty. The only real questions are as to the nature and extent of the service itself. That it was the making up of a fence of some sort may be assumed as a matter of course. That the fence was a very real one, and of considerable extent, is sufficiently indicated by the fact that enough wood was required for making the part allotted to only one of the tenants or homagers, to make it worth the while of the men employed, to do a bit of peculation with the surplus, and, more inferentially, that it required the labour of a number of men to complete such part. See No. 380, fourth article, wherein both of these positions are amply supported, Sneton being the place, and Alexander de Percy the person, in question; and wherein, moreover, the question of the *personal* service of the various "homines"

alia servitia quæ pertinebant ad illam bov. t'ræ, plene persolvemus de residuo tenemento nostro; et in hujus r. t. præs.

who had to render the service of making the Horngarth is effectually disposed of. It was Alexander de Percy's "men" (homines), and not himself, who had to do the work. That the hedge or fence, whatever its object, and substantially made, as we have seen, began or ended near the place where the present farcical sticking in of small sticks is performed is not at all improbable; and that it was of dimensions and extent adequate to the purposes for which hedges made of strong stakes, with wattled brushwood between, are usually constructed, is quite beyond doubt. Taking into consideration the time of year at which the work had to be done, there can, it seems, be but little doubt that it was the customary annual restoration of the fence of the common arable lands of the Abbey, after the completion of the spring-sowing, and that the fence was one designed to resist the incursions of horned cattle as well as of sheep, goats, and swine. It is reasonable to suppose that in the vicinity of such a town as Whitby undoubtedly grew to be under the Abbey, and particularly when we bear in mind the many special permissions conceded to the Abbey to enclose the land granted to them, if so they desired, the need for such annual restoration would grow less and less, and disappear long before it did in more country places. But the service itself, and its name, would still remain (as is the case to this day with not a few feudal services in many parts of the kingdom), and notwithstanding the formal relaxation which evidently took place, or perhaps because of that very relaxation, at some time in the sixteenth century probably, a myth would be invented to account for both one and the other. As to the name itself, as a name only:—of course the Abbot's bailiff may have formally summoned the service-bound builders of the hedge by sound of horn, and the old horn itself remains to attest the antiquity of the custom, in its existing form, by its frail and battered condition; albeit there is nothing about the said horn to suggest a greater antiquity than, if so great as, that assigned a few lines above to the legend itself. It may possibly be a sixteenth century, it certainly is not a twelfth century, relic. If the Abbot's bailiff did thus formally summon the builders—although there is no reference to the fact in the record of the settlement with Alexander de Percy, and although it is quite certain from the same record that the actual, or *de facto*, summons or warning was otherwise made—for de Percy's men often made a claim to have a three days' warning—the name might so originate. But it is not likely. And certainly it is at least as likely that its first element came from the horned stock—and the great quantities of horns that have been dug up in the Monastery kitchen-midding, at the foot of the bank on the Abbey side of Church Street, amply show that, and how, the said stock were horned—which pastured over the stubbles after harvest was gathered in, and the hitherto protecting hedges pulled down, and which were again excluded on the return of spring from the newly-sown lands by renewed or repaired fences in each returning year.

scr. sig. meum apposui. Hiis testibus. Roberto, Capellano de Fielinga. Willelmo, Senescallo de Wýtebi. Thoma de Houkesgard. Willelmo de Everleia; et aliis.

CLXI. Quieta clamatio Julianæ de Saureby.

Omn. Christi fidelibus ad quos hoc pr. scr. perv., Juliana, filia Willelmi de Sourebi, æternam in D'no salutem. Noverit univ. v. me conc. et d. et hac pr. c. mea conf. Deo et Ecclesiæ S. Petri et S. Hildæ de Wytebi, et mon. (40[b]) ibid. Deo serv., in pur. et perp. elem., pro s. a. meæ, et pro a. patris mei et matris meæ, et pro a. omnium parentum et antecess. meorum, et pro quatuor solidis, quos Abbas Rogerus mihi dedit in magna necessitate, totam t'ram meam de Sourebi, et totum jus et clamium quod in ea habui, vel habere debui. Et ut hæc donatio me[a] rata sit et stabilis, huic scr. sig. meum apposui. Hiis testibus. Radulfo Bardolf. Rogero Capellano. Magistro Hugone de Fostona. Willelmo de Foxtuna; et aliis.

Juliana, daughter of Will. de Soureby, grants to Whitby, for 4s., paid her by Abbot Roger, all her land in Soureby.

CLXII. De terra in Torentona.

Omn. S. M. Ecclesiæ filiis ad quos hoc pr. scr. perv., Gilebertus, Persona de Thorneton, filius Alani Forestarii, æternam in D'no salutem. Noverit univ. v. me conc. et d. et hac pr. c. m. conf. Deo et Ecclesiæ S. Petri et S. Hildæ de Wytebi,[1] et mon. ibid. Deo serv., in pur. et perp. elem., pro s. a. meæ, et omnium antecess. meorum, totam t'ram illam in v. de Thor[n]tona quam emi de Radulfo Bardolf,[2] quam Willelmus Claudus tenuit, quæ jacet inter toftum Walteri filii Reginald et Wilddemilne;[3] sed Johannes, filius meus, et Ysoda,[4] mater ejus, totam prænom. t'ram quam diu vixerint tenebunt—Reddendo inde annuatim xii. denarios, ad duos terminos, scil. vi. den. ad Pent. et sex d. ad f. S. Martini; et p. m. prædictorum Johannis et Ysodæ[5] matris ejus, vel vitæ mutationem, præd. t'ra præd. Ecclesiæ de Wýtebi[1] lib., soluta et quieta, absque omni exactione sæculari in perp. remanebit, cum omnibus pert. suis et aisiam. infra v. et extra. Hiis testibus. Magistro Hugone de Fostona. Roberto

Gilbert, parson of Thornton, grants to Whitby all the land he had bought of Rad. Bardolf in Thornton, saving his wife and son's life-interest in it, on payment of an annual rent of 12d.

[1] M. Whiteby. [2] M. Bardouf.
[3] M. Wildemiln'. [4] M. Isouda.

de Bedi[n]gham.[1] Willelmo filio Huct[redi].[2] Andrea de Dunseleia. Reginaldo Mercenario; et multis aliis.

CLXIII. Escambyum Thomæ de Haukesgard.

Thomas de Haukes-garth, with consent of his wife and son, grants to Whitby a half carucate in Soureby, in exchange for four bovates in Hawsker, specified; also the homage of Walt. de Neuton; and other benefactions.

Omnibus has litt. vis. vel aud., Thomas de Haukesgard,[3] æternam in D'no salutem. Noverit univ. v. me consilio Julianæ,[4] uxoris meæ, et Thomæ, filii mei, et aliorum hær. meorum, d.,[5] conc. et hac c. m. conf. Deo et S. P. et S. Hildæ de Wytebi, et Rogero Abbati, et mon. ibid. Deo serv., illam dimid. carucatam t'ræ in Sourebi[6] quam ego quo[n]dam de eis[7] tenui, cum omnibus pert. suis ubique, in escambium quatuor bovatarum t'ræ in v. de Hauke[s]gard—scil. unius quam Asketinus de Haukesgard dedit Capellæ de Haukesgard, et unius quam Jaynus filius Pagani tenuit, et unius quam Outhengarus[8] tenuit, et quartæ quam Rogerus filius Hugonis (41) tenuit; et humagii Walteri de Neuthona[9] et hær. suorum, cum redditu duorum solidorum, et relevii ejusdem t'ræ cum advenerit—scil. duorum denariorum tantum pro omnibus servitiis, demandis[10] et exactionibus; et tofti cum crofto, quem Mazelina tenuit in villa de Northmanbi,[11] et quietæ-clamationis redditus duorum solidorum de præd. dim. carucata t'ræ in Sourebi.[6] Et sciendum est quod hanc præd. dim. car. t'ræ, cum omn. pert. suis ubique, prædicto Abbati de Wýtebi et ejusdem loci Conv. ego, præd. Thomas, et hær. mei c. o. h. et f. in perp. warantizabimus. Et si forte contingat quod præd. terram eis

[1] M. gives no further witnesses.

[2] This is written Huct', the *t* having originally been written *l*, and then crossed to make a *t* of it.

[3] Some notice has been already taken (No. 109, note) of the origin of this family, which, besides its connection with the Abbey, as shown in No. 220, in this, and the following charter, and many others, also furnished an Abbot about the middle of the fourteenth century. It may however be found more convenient to give a more detailed notice at a future page. (See No. 220.) At present it may suffice to say that the grantor of this charter is grandson of Aschetin or Aschetil, who first took the territorial designation of de Haukesgarth.

[4] *Juliana.* [5] *dedidisse.* [6] M. Saurebi.

[7] *ejus.* [8] M. Autengarus. [9] M. Neutona.

[10] *demendis.* [11] M. Normanneby.

warantizare non poterimus, faciemus eis escambium ad valentiam præd. dim. car. t'ræ per visum legalium et fidelium hominum. Et in h. r. t. sig. meum huic scr. apposui. Hiis testibus. Willelmo Eboracensi, tunc Senescallo Abbatis. Rogero,[1] fratre Abbatis. Willelmo de Haukesgard. Willelmo de Everlai; et aliis.

CLXIV. De Terra de Haukesgard. [M. 69b.]

Will. de Haukesgarth, with consent of his wife and heir, grants to Whitby a bovate in Haukesgarth, also two other bovates there, an acre of meadow, and eight acres of arable land in Little Bothem, two acres in Normanby, eight and a half acres in Brackenflat; also gives the the homage of Ric. de Fyling with

Omnibus has litteras vis. vel aud., Willelmus de Haukesgard,[2] salutem. Noverit univ. v. me, consilio et a[s]sensu Ciciliæ, uxoris me[æ], et Adæ, hær. mei, d. c. et hac pr. c. mea conf. Deo et Ecclesiæ S. Petri et S. Hildæ de Wÿtebi, et mon. ibid. Deo serv., in pur. et perp. elem., pro s. a. meæ, antecess. meorum, et succ. meorum, unam bovatam t'ræ in territorio de Haukesgard quæ fuit Jaÿne filii Pagani, cum omnibus pert. suis, de dote Eufemiæ, quondam uxoris Reginaldi fratris mei, duas bov. t'ræ in eadem villa de Houkesgar[3]—scil. illam quam Houthengarus[4] quondam tenuit, et illam bov. quam Rogerus filius Hugonis quondam tenuit, cum omn. pert. suis infra v. et extra; et unam acram prati quæ jacet in latere occidentali de Bothem,[5] et octo acras in Litel Bothem t'ræ arabilis, et duas acras in magna cultura de Northmanbi,[6] et octo acras et dimid. de dominico meo in Brakanflat[7] et Litel Bothem, et unam[7] acra[m] et dim. super Leverikflat, et tres acras super magna cultura de Northmanbi,[6] et dim. acram prati in Bothem. Præterea d. c. et hac pr. c. mea conf. præd. Ecclesiæ de Wÿtebi humagium et serv. Ricardi de Fielinga, filii Richeri, cum

[1] The existing abbot's own name was Roger, and as the name stands so in both copies, it may at first sight be presumed that the said brother, taken as brother of the reigning abbot, was either illegitimate or brother on one parent's side only. No. 166, however, by the insertion of the name Johannis after Abbatis, puts a very different face on the matter. This witness, Roger, was brother of Abbot Roger's predecessor, John de Evesham.

[2] Cousin of Thomas de Haukesgarth, grantor of the last charter, being son of Roger, and grandson of Ascatin or Aschetil. Reginald and Adam were his brothers. See notes to last charter and to No. 220.

[3] M. Houkesgard.

[4] M. Autengarus.

[5] Hawsker Bottoms.

[6] M. Normaneby.

[7] M. Bracanflat.

[8] "et unam" repeated in A.

4s. yearly, payable for a bovate of land, etc., also the homage of Roger de Hirton with 6d. yearly for another bovate; 4s. for three acres in Normanby, etc.

servitio quatuor solidorum et trium[1] den. ad duos term. solvendorum, mediet. (41^b) ad Pent. et med. ad f. S. Martini—scil. pro una bov. t'ræ quam Michael quondam tenuit, et pro. xii. acris quas Willelmus, scil.,[2] quondam tenuit, tres sol. et vi. den., et pro una bov. quæ fuit maritagium Lescelinæ aviæ suæ, ix. denarios. Dedi etiam eidem Eccl. humagium Rogeri de Hirtona, cum servitio vi. sol. et unius den. annuatim ad præd. terminos solvend., scil. pro illa bov. quam Ricardus Biscop tenuit, iiii^or sol.; pro tribus acris, quarum duæ jacent in magna cultura prædicti Willelmi propinquiores exi[t]ui v. de Northmanbi,[3] et una acra quæ jacet in Toftes, quam Willelmus Vavasur quondam tenuit, octo denarios; et pro cultura in Bekkes[4] quinque den.; et pro x. acris t'ræ in territorio de Northmanbi,[3] cum tofto quem Radulfus Cusin quondam tenuit —scil. una acra in Toftes et duabus in Michelflat on Netherwendinge[5] versus orientem, et una acra in Skitekeldeflat,[6] et una acra et dim. super Dailderhou, et v. rodis ad Lingehou juxta Totesich,[7] et qui[n]que rodis ad Thornekelde,[8] et una acra super Leverikflat,[9] et una acra in Litelbothem, xii. denarios. Dedi etiam eidem Eccl. hum. Walteri de Neutuna[10] cum servitio duorum solid. ad præd.[11] terminos annuatim solvend., pro illa bov. t'ræ in territorio de Haukesgard cum tofto quem Willelmus Vavasur quondam tenuit. Istam vero donationem ego, Willelmus, et hær. mei, præd. Ecclesiæ de Wytebi war. et def. c. o. et f. in perpetuum. Et in hujus r. t. præs. scr. sig. meum apposui. Hiis testibus. Rogero Capellano de Scartheburc. Mag'ro Hugone de Fostona. Thoma de Houkesgard. Willelmo de Eboraco, tunc Senescallo; et aliis.

CLXV. De Ofnam de Filing. [M. 82^b.]

Richard, son of Richer de Fyling gives to

Omnibus Christi fidelibus ad quos pr. scr. perv., Ricardus, filius Richeri de Fieling,[12] salutem. Noverit univ. v. me d. c. et hac c. mea conf. Deo et S. P. et S. Hildæ de Wÿtebi,[13] et

[1] *triuum.* [2] M. omits this word. [3] M. Normaneby.
[4] M. Beces. [5] M. Midelflat or Nederwendinge.
[6] M. Scitekeldeflat. [7] M. Bothemsic.
[8] M. Thorenkelde. [9] M. Levericflat.
[10] M. Neutona. [11] *prædictis.*
[12] M. Filing. [13] M. Witeby.

Rogero Abbati, et mon. ibid. Deo serv., in lib. p. et perp. elem., illam t'ram quæ vocatur Ovenham,[1] cum tofto et crofto in t'ritorio de Northfieling[2] cum omn. pert. suis, quam Rogerus Burigan mihi vendidit. Istam vero donationem ego, præd. Ricardus, et hær. mei, præd. Abbati et Conv. de Wẏtebi c. o. h. in perp. warantizabimus. Et in h. r. t. præs. scr. sig. meum apposui. Hii[s] testibus. Roberto, Capellano de Fieling.[3] Thoma de Haukesgard. Nicholao, filio Petri de Atona. Petro filio ejus; et aliis. Whitby and Abbot Roger the land called Ovenam in North Fyling.

CLXVI. De Tofto in Normanby. [M. 69.]

Omnibus has litteras vis. vel aud., Willelmus de Haukesgard,[4] salutem. Noverit univ. v. me d. c. et hac c. mea conf. (42) Deo et S. P. et S. Hẏldæ de Wẏtebẏ,[5] et mon. ibid. Deo serv., unum thoftum[6] cum crofto, cum pert. suis, in v. de Northmanbẏ,[7] quem Mazelina tenuit, in lib. pur. et perp. elem. Et in h. r. t. pr. scr. sig. meum apposui. Hiis testibus. Willelmo de Eboraco, Senescallo Abbatis.[8] Rogero, fratre Abbatis Johannis.[9] Willelmo de Everle; et aliis. Will. de Haukesgarth grants to Whitby Mazeline's toft and croft in Normanby.

CLXVII. De duabus bovatis in Normanby.

Notum sit omnibus hoc scr. vis. vel aud., quod hæc est conventio facta inter Rogerum, Abbatem, et Conventum de Wẏtebẏ, et Ricardum, filium Richeri de Scardeburc[10]—scil. quod Rogerus Abbas, et Conv. de Wẏtebẏ concesserunt et dederunt eidem[11] Ricardo et hær. suis duas bov. t'ræ—scil. illas duas bov. quas Adam de Kerlinge tenuit: Tenendas et hab. eidem Ricardo et hær. suis, cum omn. utilitatibus, aisiam. et libertatibus eisdem Mem. of exchange between Abbot Roger and Richard, son of Richer de Fyling, otherwise de Scarde-

[1] M. Ouenam. See No. 116. [2] M. Nordfiling.

[3] M. omits de Filing, and gives no other witnesses after the next.

[4] Grantor of No. 164. By a comparison of the witnesses to this charter with those to No. 163, it will be seen that they are nearly or quite contemporary.

[5] *Wteby*. M. Witeby. [6] M. toftum. [7] M. Normaneby.

[8] M. inserts "de Witeby" here.

[9] M. does not give the name "Johannis," but it is clear that the said name is wanted. See notes to No. 163.

[10] He is identified by the final clause of the deed with Ricardus, fil. Richeri de Fieling, of No. 165. [11] *eisdem*.

burg, of two bovates in Normanby for other two in the same township.

bov. pertinentibus, lib. et quiete: Reddendo inde annuatim præfatis Abbati et Conv. de Wÿtebÿ xii. denarios, ad duos terminos —scil. vi. den. ad Pent. et sex den. ad f. S. Martini, pro omni serv., consuet. et exact. sæculari. Et sciendum est quod præfati Abbas et Conv. de Wÿtebÿ præf. duas bov. t'ræ, cum omn. pert. suis sæpedictis, Ricardo et hær. suis concesserunt et dederunt in excambium pro duabus bov. t'ræ in t'ritorio de Northmanby cum humagio et relevio et tofto et crofto, et omn. aliis pert. suis—scil. pro illis duabus bov. t'ræ quas Radulfus Levine tenuit, qui singulis annis reddidit octo sol. Abbati de Wÿtebÿ, ad duos term.—scil. iiii^or s. ad Pent. et iiii^or [s.] ad f. S. Martini. Et in hujus excambii testimonium perpetuum præfati Rogerus Abbas et Conv. de Wÿtebÿ, et Ricardus de Fieling[1] huic scripto cyrograffato sigilla sua in vicem apposuerunt.

CLXVIII. De terra in Yrtona.

Robert de Irton, with consent of his wife and heir, grants to Whitby two bovates in Irton, with a toft.

Omnibus has litteras vis. vel aud., Robertus de Hÿrtuna,[2] salutem. Noverit univ. v. me, assensu et consensu Helhenor, uxoris meæ, et Willelmi, hær. mei, d. et c. et hac pr. c. m. conf. Deo et Ecclesiæ Beati Petri et S. Hÿldæ de Wÿtebÿ, et mon. ibid. Deo serv., in lib. p. et perp. elem., duas bov. t'ræ in t'ritorio de Hirtona, et unum toftum octo percarum in latitudine, et in longitudine tendit a via usque Bukeshoudic quod jacet juxta toftum Emmæ Viduæ, versus occidentem, quem Astinus tenet —illas, scil., duas bov. t'ræ quarum unam Emma, quondam uxor Thomæ, tenet, et alteram Ricardus filius Willelmi, quæ jacet inter t'ram Adæ Tuschet et dominicam terram meam, per totum (42^b) campum: Tenendas et hab. lib. et qu. et absolute, cum pratis, pascuis, et pasturis, et omn. assiam. et omnibus pert. suis, sine omni exactione et sæculari servitio, sicut aliqua elemosina liberius potest dari, possideri, vel teneri, et sine aliquo retenemento inde michi vel hær. meis retento. Ego vero, Robertus, et hær. mei præd. donationem war. def. et adquietabimus præd. Conv. de Wyteby c. dominos et reges et o.

[1] See note 10 on preceding page.

[2] See No. 172, where he is, as also is his son William here named, witness to a grant by Abbot Roger of five bovates in Irton to Roger fitzFrancais de Irton.

h. de omnibus rebus quæ accidere possunt, [d]emandis, et exactionibus in perpetuum. Hiis testibus. D'no Gileberto de Atona.[1] Willelmo Buscel. Johanne de Alverstane.[2] Willelmo Malekake; et aliis.

CLXIX. Contra Ranulfum filium Alani de terra in Slectes. [M. 45^b.]

Rogerus D. G. Abbas de Wÿtebi,[3] et ejusdem loci Conv., omn. has litteras vis. vel audituris, salutem. Noverit univ. v. nos dedisse et hac c. nostra conf. Ranulfo, filio Alani, et hær. suis, novem acras et dimid., x. rodefal[4] in v. de Slechetes,[5] cum omn. aisiam. ejusdem villæ—scil. illam t'ram quam Willelmus Westrensis quandoque tenuit: Tenendas et hab. de nobis lib. et qu., pacifice et honorifice, pro humagio et serv. suo, in escambium totius t'ræ suæ quam habuit, vel habere debuit, in villa de Saurebi:[6] Reddendo inde nobis xvi. denarios per annum—scil. viii. den. ad Pent., et viii. ad f. S. Martini, et semel in anno carucam et unam falcem, in autumpno; et faciet Hornegard,[7] quantum pertinet ad unam bovatam t'ræ. Præd. vero Ranulfus, vel hær. sui non vendent, neque invadiabunt alicui, nisi de licentia Abbatis et Conventus. Et ut[8] hæc donatio, et hoc excambium sint firma in perpetuum, præs. scriptum sigilli nostri appositione corroboravimus.

CLXX. Quieta clamatio Henrici Harecroft. [M. 105^b.]

Willelmus, filius Henrici de Kaitona, omnibus has litteras vis. vel aud., salutem. Noverit univ. v. me concessisse et qu.-clamasse D'no meo, Abbati de Wÿtebi, et Conv. ejusdem loci, totam t'ram quam teneo de illis in v. de Kaitona,[9] et

William, son of Henry de Cayton, releases and quitclaims

[1] He married Margery, daughter of Eustace de Vesci, and is co-witness with William Buscel again in No. 172.

[2] In No. 355 a John de Alverstain, Canon of Gyseburn, *tempore* Prior Laurence, which is rather before Abbot Roger's incumbency, is a witness.

[3] M. Whiteby.

[4] M. Rodefall'. "*Falls.* The divisions of a large arable field attached to a village. *North.*"—(Halliwell.)

[5] M. Sleghtes. Now Sleights.

[6] M. Soureby.

[7] M. Hornegarth. Note the quantity specified.

[8] *in hac.*

[9] M. Caytona.

to Whitby whatever land he had of theirs in Cayton, failing which he will pay a yearly rent.

extra, de me et de hær. meis in perpetuum. Si non, reddam[1] firmam meam ad præd. terram pertinentem—scil. ad f. S. Martini, vel infra xv. dies subsequentes, v. s. et sex d. Et ut hæc mea concessio[2] et qu.-clamatio rata sit et stabilis, pr. scriptum sig. mei impressione corroboravi. Hiis testibus. Henrico de Fouketona.[3] Rogero, Capellano de Scartheburc.[4] Hugone Officiali.[5] Rogero de Yrtona. Ricardo fratre ejus; et aliis.

CLXXI. SAMSON DE POMARIO, ET UXOR EJUS. [M. 17b.]

Agreement between Sampson de Lapumere and his wife Dionisia, and Abbot Roger, for an exchange of lands in Sneton.

Sciant omnes tam pr. quam fut. quod hæc est finalis concordia facta inter Samsonem de Lapumere[6] et Dionisiam uxorem suam, petentes, et Rogerum Abbatem et Conv. de Wÿtebi,[7] tenentes—scil., quod prædicti Rogerus Abbas et Conv. quietum clamaverunt humagium Willelmi, filii Adæ de Snetuna, cum illa bov. terræ quæ quondam fuit Mathei Harundel,[8] pro humagio Andreæ de Snetuna, cum medietate culturæ in campo de Wersnetuna[9] quæ dicitur Lingarth—illam, scil. med. quæ jacet propinquior versus orientem ubique, quam idem Andreas et hær. sui libere et quiete tenebunt de prædictis Rogero Abbate et Conv. jure hæreditario: Reddendo inde annuatim sæpedictis Rogero Abbati et Conv. ii. s. per annum pro omni serv. et exact., salvo forinseco servitio. Et ad hanc fin. conc. fideliter observandam, prædictus Samson et Dionisia, uxor sua, sig. sua, una cum sig. D'ni Rogeri Abbatis, apposuerunt in testimonium. Hiis testibus.[10] Thoma de Houkesgard. Rogero de Yrtuna. Thoma, Sacerdote de Wytebi. Rogero, et Ricardo Capellanis; et aliis.

CLXXII. ROGERUS FRANCAIS DE IRTONA.

Omn. Christi fidelibus ad quos pr. scr. perv., Rogerus D. G. Abbas de Wÿtebÿ, et ejusdem loci Conv., salutem. Noverit univ. v. nos d. c. et hac pr. c. nostra conf. Rogero filio Fran-

1 M. redam. 2 M. convencio. 3 M. Folketona.

4 "de Scartheburc" omitted in M., and no other witnesses' names given.

5 In No. 231, Hugo de Foxtun, tunc officialis Clivelandiensis, is a witness; and associated with him, as here also, is Roger de Irton.

6 M. Lapumerey. 7 M. Whiteby. 8 M. Arundel.

9 M. Uver Snetona; that is, Upper or Higher Sneton.

10 M. gives no witnesses.

cais[1] de Irtona et hær. suis, v. bov. t'ræ in t'ritorio de Irtona, cum earum pert. infra v. et extra—illas, scil., quas habemus de dono D'ni Johannis de Atona: Reddendo nobis ann. dim. marcam argenti, med. scil. ad Pent. etc. pro omn. servitiis ad nos pertinentibus. Nos vero v. bov. præd., cum earum pert., dicto Rogero et hær. suis varantizabimus quamdiu advocati nostri nobis dictam t'ram varantizare poterunt. Et in hujus concessionis nostræ test. sig. Capit. nostri pr. scr. apposuimus. Hiis testibus. Gilberto de Atona. Willelmo Buscel.[2] Roberto de Irtona. Willelmo filio suo; et aliis.

Abbot Roger grants to Rog., son of Francais de Irton, five bovates in Irton, to be held for ever by the payment of half a mark annually.

CLXXIII. Confirmatio Alexandri de Mideltona de III solidis.

Sciant tam pr. quam fut. quod ego, Alexander de Mideltona, concedo et, præs. cartæ testimonio, confirmo donationem quam Aze filius Wẏmundi[3] donavit S. Petro et S. Hildæ de Wẏtebi, et mon. ibid. Deo serv., scil. iii. s. redditus de feudo meo in Midelton, de bov. illa quam Raghanaldus tenet, pro me et pro a. patris mei et matris meæ, et pro a. antecess. meorum. Hujus confirmationis testis est Fossardus, prece mea. Willelmus Aguil'. Warinus, filius Hugonis. Willelmus filius Walteri. Ricardus de Evesham; et alii.

Alex. de Midelton confirms to Whitby the gift of Aze, son of Wymund de Lockington.

CLXXIV. Confirmatio Roberti de Aiketona. [M. 80.]

Omn. S. M. Ecclesiæ filiis, tam pr. quam fut., Robertus, filius Willelmi de Aẏketuna,[4] salutem. Sciatis omnes quod ego, Robertus, filius Willelmi de Ayketun,[4] hac mea carta conc.[5] et conf. cartam avi mei Roberti de Aẏketuna,[4] et carta[m] patris mei, Willelmi de Aẏketuna,[4] quas fecerunt Ecclesiæ de Wẏtebẏ[6] super adquietatione[7] villæ de Suthfieling.[8] Et ego totum clam[i]um de Suthfieling,[8] cum omn. pert. suis, et quicquid juris in eadem villa videbar habere, quietum clamavi de me, et de hær. meis, Eccl. de Wẏtebẏ[6] in perp. et lib. elemosinam.[9] Itaque nec ego, nec aliquis hær. meorum aliquam calumpniam vel vexationem monachorum præd. Ecclesiæ,

Robert, son of Will. de Ayketon, confirms the donations of his grandfather and father, and releases all South Fyling to Whitby.

1 M. Francays. 2 M. gives no further witnesses.
3 See No. 92, in which William Fossard confirms this same donation.
4 See Nos. 49, 46, 192. M. writes Aiketona.
5 M. cosensi, by an error of the scribe. 6 M. Witeby.
7 M. quieta clamatione. 8 M. Suthfiling. 9 M. elemosynam.

de eadem villa amplius faciemus: et ad hæc firmiter et fideliter tenenda juravi et affidavi quod, nec per me, neque per alium consilio meo, præd. Ecclesia dampnum de præd. villa sustinebit; sed si aliquis præd. Monachis calumpnia[m] de præd. v. fecerit, non tenebor warentizare contra aliquos, nisi de me et de hær. meis. Hiis testibus. Waltero, Capellano de Wẏtebi.[1] Thoma Capellano. Johanne, Capellano de Ugelbardebi. Waltero de Duneslei; et aliis.

CLXXV. Carta Matildis de Galmetona. [M. 110.]

Sciant omnes tam pr. quam fut., quod ego, Matilda de Galmetona,[2] in viduitate mea, conc. et d. et hac pr. c. mea conf. Deo

[1] M. omits de Witeby, and gives no other witnesses after the next.

[2] See No. 182, which, saving only the difference as to name and quality of grantor, is word for word coincident with this. There it is Ricardus de Boshale, here Matilda de Galmeton. The witnesses also, so far as given in this deed, are the same as in No. 182, in which six more are specified. Beyond doubt they were also witnesses to the present document—in other words, the two deeds were executed at the same time. It is almost imperative to suppose that one is the original concession, and the other the confirmation; but from the wording of the two it is not possible to distinguish the one from the other. The deed, of which I proceed to give a copy, and which is one of the Wykeham series, will probably be seen to afford reasonable proof that the present deed is the confirmation:—"Anno Incarnationis m°cc° tricesimo quarto, ad festum Omn. Sanctorum, omnibus hoc scr. vis. vel aud., Matilda de Galmetone, salutem. Noveritis me, in vid. mea et lib. potest. mea, d. etc. et hac pr. c. mea conf. Matildæ, filiæ Ricardi de Bozhale, et Mabillæ, uxori suæ, quæ Mabilla fuit filia Roberti de Steitevilla, ii. toftas in Staxtone—scil. Charne'ckes et propinquiores versus occid., cum omn. pert. suis i. v. et extra. Dedi etiam dictæ Matildæ totam t'ram meam quæ mea est, et dare possum, inter Fordum et Staxtone, quæ vocatur Depedale, sine ullo reten., cum omn. pert. suis, etc. . . . salva tanta pastura Conventui de Bridlingtone quantam cartæ Ricardi de Gaumeton et Henrici filii sui continent, pro hom. et serv. suo. Tenend. et hab. . . . de me et de hær. meis, etc. Reddendo inde ann. . . . michi et hær. meis unam libram cymini, etc. Et ego, dicta Matilda et hær. mei war. tam dictas toftas quam dict. t'ram dictæ Matildæ, filiæ dicti Ricardi, ut dict. est superius, c. o. h., et defendemus. Et ego Ricardus de Bozhale, hæres primo-dictæ Matildæ hanc donationem animo benevolenti bene concessi, et sig. meo confirmavi. Hiis testibus. Rob. de Acclum. Henr. fil. Radulphi. Ricardo de Bozhale. Henr. de Binigtone. Henr. de Bromtone. Ricardo de Bozhale. David. Reginaldo de Langetoft; et aliis." It will be noticed there are two witnesses named Ric. de Bozhale; but there can be no doubt that the grantor of No. 182 is the "hæres" of the grantor of the present deed, mentioned in the above document.

et E. S. Petri et S. Hildæ de Wẏtebi, et mon. ibid. Deo serv., unam carucatam terræ in v. de Foreduna,[1] cum omn. pert. suis, infra v. et extra, et cum[2] omnibus hominibus præd. t'ram tenentibus, et cum omni sequela eorum—scil. Roberto filio[3] Walteri, cum omni sequela sua;. Willelmo filio ejus, cum omni sequela sua; Thoma filio Willelmi, cum omni sequela ejus; Johanne filio Suuani, cum omni sequela sua;[4] Willelmo filio Levine,[5] cum omni sequela sua; Agnete vidua, cum omni sequela sua; in lib. et perp. elem., faciendo forinsecum serv., quantum pertinet ad unam carucatam terræ, unde x. carucatæ faciunt feodum unius militis. Et ego, præd.[6] Matildis, et hær. mei waurantizabimus præd. car. t'ræ, cum omn. pert. suis, præd. Domui de Wytebi et mon. ibid. Deo serv., c. o. h. in perpetuum. Hanc cartam optuli ego Matilda, A. G. m°cc°xxxii., super altare S. P. et S. H. de Wẏtebẏ die Sanctorum Cosmo' et Damiani. Hiis testibus.[7] Johanne de Eketon, Johanne de Rudestaine, militibus. Galfrido de Thorni; et aliis.

CLXXVI. Hugo filius Gerardi de terra de Atona. [M. 107.]

Sciant omnes, pr. et fut., quod ego, Hugo[8] filius Girardi de Atona, d. et c. et hac pr. c. mea conf. Deo et Ecclesiæ[9] S. P. et S. Hẏldæ de Wẏtebẏ, et mon. ib. Deo serv., pro s. a. meæ et antecess. meorum, in lib. et p. et perp. elem., iiii[or] acras t'ræ, et unam rodam et dim., et duas percatas t'ræ, cum pert., in Atona, lib., solutas et quietas ab omni sec. serv. et exactione, sicuti aliqua elem. liberius et quietius possit dari—scil. quartam

Hugh, son of Gerard de Aton, grants to Whitby 4 acres 1½ rood and 2 perches in Aton, specifying the same.

[1] M. Fordon. [2] *eum.* [3] *filius.*

[4] Instead of "Johanne filio Suuani cum omni sequela sua," as in the text, M. reads here, "Johanne filio ejus cum omni seq. sua." No. 182 reads as in the present deed.

[5] M. Lewine: the old A.-Saxon name, Leofwin, of course.

[6] A. inserts "et" here.

[7] M. does not give any witnesses. After Galfrid de Thoreni (or Thorni), No. 182 adds Walter de Wartre, Rob. filio Jurdani, Umfray Fox, Ada fil. Joh. de Scireburne, Radulfo Nobili, and Will. Dispensario.

[8] See No. 95, to which, a grant by John. son of Hugh de Aton, Robert de Stuteville and Roger de Bosco are witnesses as in this. Probably Hugh de Aton in either charter is the same individual.

[9] *et* inserted, by scribal oversight, here.

partem crofti mei, et quartam partem t'ræ meæ in Larelandis,[1] et quartam partem t'ræ meæ in Whitflat,[2] et quartam partem t'ræ meæ in Gretlandis,[3] cum omn. pert. suis in bosco, in plano, in viis, in semitis, in pratis et pasturis, et in omn. aliis libert. et aisiam. ad præd. t'ram pertinentibus. Et ego Hu[g]o et hær. mei præf. t'ram præd. Deo et monachis c. o. h. wara[n]tizabimus. Hiis testibus. Roberto de Stuteville. Rogero de Bosco. Thoma de Skipwic'; et aliis.

CLXXVII. De quinque bovatis in Yrtona. [M. 109.]

John de Aton grants to Whitby five bovates in Irton, with as many tofts and crofts appertaining.

Sciant omnes hanc cartam vis. vel aud., quod ego, Johannes de Atona,[4] conc. d. et hac pr. c. mea conf. Deo et mon. S. Hildæ de Wẏtebi, pro s. a. [meæ], in lib. p. et perp. elem., v. bov. t'ræ in t'ritorio de Yrtona[5]—illas, scil., v. bov. quas tenui de D'no Ricardo de Perci, cum quinque toftis et v. croftis pertinentibus ad easdem v. bov. t'ræ, et cum omn. pert. suis et aisiam. infra v. et extra: Tenendas et hab. lib., solutas et quietas ab omn. servitiis et sæc. exact., sicut aliqua elemosina liberius dari potest pro dono viris Religiosis. Et ego, Johannes, et hær. mei Deo et præf. Mon. præd. quinque bov. t'ræ, cum v. toftis et v. croftis, et omn. pert. suis, c. o. h. varantizabimus in perp. et defendemus. Hiis testibus. Gilberto de Atona. Willelmo Buscel.[6] Godefrido de Auterwic[7] Ricardo fratre ejus; et aliis.

CLXXVIII. Contra Rogerum Fabrum de Wicham.

Grant by Abbot John II. of Whitby to

Omn. Christi fidelibus, ad quos pr. scr. perv., Johannes, D. G. Abbas de Wẏtebẏ,[8] et ejusdem loci Conv., s. in Domino. Noverit univ. v. nos conc., et d., et hac c. nostra conf. Rogero

[1] M. Laylandes. [2] M. Wyteflat. [3] M. Gretlandes.

[4] See No. 172. This, it hardly needs to be said, is the earlier document of the two. [5] M. Irtona. [6] M. gives no further witnesses.

[7] Probably Atwyke or Atewyk. See Kirkby's *Inq.*, pp. 5, 8, 209 n.

[8] John de Evesham was Abbot Roger's predecessor, with whom John de Aton here mentioned was cotemporary. Consequently, from the nature of the deed, this must be John de Steyngrave, who succeeded Roger in 1244, and presided until 1258.

Fabro de Wicham totam t'ram quam Johannes de Atona[1] nobis dedit in pur. et perp. elem.—scil. unum toftum in Wÿcham, xvi. percatarum in latitudine, et triginta trium perc. in longitudine, juxta Regiam viam in capite villæ versus orientem, mensuratum per perticatas de Martona;[2] (44[b]) et unam culturam apud Leche[3]—scil. quicquid est inter pratum, quod fuit Gervasii de Prestuna, et fossatum prænom. Rogeri Fabri, sicut fossatum vadit in latitudine et in longitudine: Tenendam et hab. illi et hær. suis de nobis lib. et quiete, cum omnibus pert. suis et aisiam. i. v. de Wÿcham et extra: Reddendo inde ann. nobis sex d. ad Pentecosten pro omni serv. consuet. et exact. ad nos pertinente. Et suscepimus præd. Rogerum Fabrum et hær. suos in protectione Dei et nostra, sicut homines Dei et Ecclesiæ S. P. et S. Hildæ de Wÿtebÿ. Et ut hæc concessio et donatio rata et inconcussa permaneat, sigillo Capit. nostri hoc pr. scr. corroboravimus. Teste. Capitulo nostro, et aliis. Gilberto de Atona. Willelmo Buscel. Johanne[4] de Chamestuna. Ricardo Buscel. Alano de Prestuna; et aliis.

Roger Faber of Wykeham of all the land given by John de Aton, specified.

CLXXIX.

Omn. Christi fidelibus, ad quos pr. scr. perv., Gregorius de Levingtorp[5] s. in Domino. Noverit univ. v. me d. c. et hac pr. c. mea conf. Deo et Ecclesiæ B. P. et S. Hyldæ de Wÿtebi, et mon. ibid. Deo serv., in pur. perp. et lib. elemoisinam, quinque acras t'ræ arabilis, quarum una acra jacet juxta Umfraiflat et viam Regiam, et abuttat super Addocflat; et aliæ quatuor acræ

Gregory de Levingthorp grants to Whitby five acres of land.

[1] Cf. Nos. 172, 177, 213, etc.

[2] Two or three other Standards will be found mentioned in these documents—as the pertica of Pickering, etc.

[3] This locality, under the spelling Leke, is found in two or three of Lady Downe's Wykeham deeds; in two especially as comprising, if not consisting of, meadow—"pratum." "Una placia prati, in prato de Wycham quod vocatur Leke," is one instance; "totum pratum meum in Leke, . . . quod quidem pratum fuit aliquando Alani de Preston, patris mei" another. Elena de Preston is the grantor, but it is not possible to make out the relationship with Gervase de Preston, of the above deed.

[4] *Johannes.*

[5] He gave four acres in Aresum to Gyseburn, and a descendant of his was a further benefactor in the same vill. Possibly the same may be the site of the present benefaction.

jacent inter culturas D'ni Abbatis de Witebÿ, quæ sunt propinquiores passagio. Istam vero donationem, concessionem et confirmationem ego, dictus Gregorius, et hær. mei, præd. puram elemoisinam meam, c. o. h. warentizabimus, et in omnibus defendemus. Et in h. r. t. pr. scr. sig. meum apposui. Hiis testibus. Rogero, Ricardo, tunc Capellanis de Witebÿ. Willelmo Buscel. Roberto, fratre ejus. Willelmo de Everlaÿ. Ric' de Figeling. Rogero de Sancto Botulfo. Henrico Ruffo. Johanne, fratre ejus. Radulfo, filio Willelmi de Midelesburg; et aliis.

CLXXX.

Abbot Benedict re-grants to John Arundel the advowson of the Chapel of Sneton, with certain stipulations.

Sciant omnes, videntes et audientes has litteras, quod ego, Benedictus,[1] Abbas Witebyensis Ecclesiæ, assensu Capituli nostri et consilio, reddidi et concessi Johanni Arundel,[2] et hær. suis, in feudum et hæreditatem, advocationem Capellæ de Snetona; ita quod Johannes et hær. sui, descendentibus vel morientibus personis Capellæ de Snetona, congruam personam Archiepiscopo præsentabunt. Persona vero de Snetona Ecclesiæ S. Petri de Witebÿ decem (45) solidos per annum reddet—scil. quinque sol. ad f. S. Martini, et quinque s. ad Pentecosten. Corpora

[1] In No. 458 we have a charter by Abbot Benedict, dated 1148, stating at the outset that "motu proprio, irrequisito consensu Capituli mei," he has instituted, that same year, a rector in the chapel of Sneton, "ista conventione ut quilibet rector ejusdem, qui pro tempore fuerit in posterum reddet Ecclesiæ S. Petri de Whiteby decem solidos annuatim etc." The document then continues: "Corpora vero defunctorum," etc., exactly as in the present deed, to the end. That deed must, of course, have preceded this, and probably with no great space of time intervening. Possibly the presentation was made with some definite view as to the arrangement now made touching the advowson of Sneton church or chapel. It should be remarked, moreover, that the expression "reddidi et concessi," carries with it the certainty that in some sense or shape this advowson in question had already been in the grantee's possession. It would almost seem as if the Abbot had taken previous steps with the intention of transferring the advowson to John Arundel, but those steps had proved abortive, and that now, the hindering causes having been removed, the said transference was finally and legally made. It is at least open to surmise, that his first attempt had been made during the vacancy of the living, and that finding he could not legally convey the advowson under such circumstances, he had made a rather hurried presentation, and then had proceeded to re-transfer the advowson according to his first intention.

[2] See No. 101.

vero defunctorum eidem capellæ pertinentium in cimiterio B. Mariæ de Witebẏ sepelientur. Nullus vero ad cimiterium B. Petri deferetur, nec quicquam[1] illuc ducet. Dominus vero villæ, et Clericus, absque omni licentia Personæ capellæ attributæ, in cimiterio S. Petri sepelietur, si in vita sua elegerit, vel amici post mortem p(e)tierint. Missam vero Snetonæ Persona non celebret pro sepeliendo, nisi prius Personæ de Witebẏ mandetur; et idem si venire neglexerit, vel non poterit, Persona de Snetona fideliter pro communi utilitate servitium faciat. Quicquid[2] vero in die sepulturæ pro aliquo defunctorum offeretur sive in capella de Snetona, sive in Ecclesia S. Mariæ de Witebẏ, et quicquid[2] aliquis moriturus capellæ, vel Ecclesiæ B. Mariæ de Witebẏ in vita sua convenienter diviserit, ita ut terra ipsius non vastetur, in duo dividatur, et dimidium capellæ remaneat, et dim. Ecclesiæ de Witebẏ. Et similiter, quicquid[2] pro orationibus vel celebrationibus missarum sacerdos percipiet, similiter dividatur. Et servitium pro defunctis inter eos dividatur. Persona vero de Snetona præsens, et omnes successores ejus, fide astringentur se nulla arte quæsituros ut Ecclesia de Witebẏ [ratione][3] conventionis hic inscriptæ detrimentum incurrat.

CLXXXI.

Roger Burrigan sells to Abbot Roger all the land he had held of the same in Fyling.

Omnibus has litteras vis. vel aud. Rogerus Burrigan[4] salutem. Noverit univ. v. me, de voluntate et assensu Matildis, uxoris meæ, et hær. meorum vendidisse D'no meo Rogero, Abbati de Witebẏ, totam t'ram, cum ædificiis et omnibus aẏsiamentis, quam tenui de eodem D'no meo in villa de Filing, pro quatuor marcis argenti, quas mihi dedit in magna necessitate mea, sol(ut)am et quietam de me et hær. meis in perpetuum. Ego vero, dictus Rogerus, una cum uxore mea, tactis sacro-sanctis, juravi et affidavi in manu dicti D'ni mei, pro me et dicta uxore mea, et hær. meis, quod nunquam in præd. t'ra aliquam faciemus calumpniam unde Domus de Wẏtebẏ aliquam possit incurrere jacturam. Hiis testibus. Stephano de Rosel. Willelmo de Everle. Willelmo de Percẏ de Dunesle.[5] Rogero de Yrtona.

[1] It is "quicquam" in both charters. [2] *Quicquit.*

[3] Some such word as "ratione" needs to be supplied in connection with both construction and sense. [4] See Nos. 159, 160, 165, etc.

[5] As this deed dates in Abbot Roger's time, or after 1222, it is scarcely

Ric' de Filinga.[1] Rogero de Sancto Botulfo. Johanne de Kethou.[2] Willelmo de Gisburnia; et aliis.

CLXXXII.

Sciant omnes tam pr. quam fut. quod ego, Ricardus de Boshale, c. d. et hac pr. c. m. conf. Deo et Eccl. S. P. et S. Hildæ de Witebẏ et Mon. ib. Deo serv. unam carucatam t'ræ in v. de Forduna, cum omn. pert. suis infra v. et extra, et cum omn. hominibus (45^b) præd. t'ram tenentibus, etc. [*as in No.* 175].

CLXXXIII. (No heading.)[3]

Omnibus hoc scr. vis. vel aud. Willelmus,[4] Abbas de Whiteby, et Conv. ejusdem loci, æternam in D'no salutem. Noverit univ. v. nos d. c. et hac pr. c. conf. Radulfo de Midelsburh', filio Willelmi de Foxtona, pro hom. et serv. (suo), unum toftum et croftum, cum pert. suis, in v. de Midelsburh'—illud, scil. quod Robertus filius Benedicti quondam de nobis tenuit in eadem v.: Tenend. et hab. dicto Radulfo et hær. suis in feudo et hæred. de nobis, lib. qu. et pacifice, cum omn. pert. suis et aysiam. suis. i. v. et e. ad dictum toftum et croftum pertinentibus: Reddendo inde ann. nobis duos sol., med. ad Pent. et aliam med. ad f. S. Martini in hyeme, pro omni serv., exact. et

open to question that this is a later Will. de Percy de Dunesley. Richard de Percy de Dunesley, son of William hote lesgernuns, died before 1148. William de Percy, his son, in a charter (No. 74) executed, it is likely, not long afterwards, mentions his heir, but not by name; although among the witnesses Bartholomew and Hugo are named, and described as his "hæredes," there is nothing in the charters to indicate who was this William's heir, but there is some reason to believe it was Hugo; and if so, the present witness is the head of the family in Abbot Roger's time.

[1] This is probably Richard, son of Richer de Filing, inasmuch as in No. 165 the said Richard and the grantor of this charter are seen in contact.

[2] The reading of this word is uncertain. It may be Kethon, or Kethou. The former might be a bad orthography for Kayton, but Kethou is more reasonable.

[3] This is an insertion in a considerably later hand and much paler ink, which in conjunction have no parallel in any other part of the Chartulary. The hand is like that of Nos. 20, 21. See the notes there.

[4] William de Foxton, father of the present grantee, was Seneschal of Whitby in Abbot Roger's time. Consequently this must be William de Briniston, *c.* 1259-1265.

demanda sæculari. Et ut hoc nostrum donum stabile permaneat in perpetuum, pr. scriptum appositione sig. Capit. nostri roboravimus. [*Folio* 46 *is blank on both sides.*]

CLXXXIV. (47) CARTA REGIS WILLELMI PRIMI REGIS ANGLORUM DE LIBERTATIBUS ABBATIÆ DE WYTEBY. [M. 153b.]

Willelmus, Rex[1] Anglorum, omn. fidelibus suis, salutem. Sciatis me dedisse et carta mea confirmasse Ecclesiæ de Wÿtebÿ, et Serloni Priori, et mon. ejusdem loci, in perpetu[u]m, super omnes t'ras suas, adquisitas et adquirendas, et super omnes homines suos ubilibet habitantes, omnes libertates et liberas consuetudines, quas Regia potestas alicui ecclesiæ dare potest liberiores. Concedo etiam et confirmo ipsis et omn. hominibus suis, ubicunque vadant et emant vel vendant aliquid, omnem quietantiam de omn. consuetudinibus et demandis Regum et Comitum et Baronum, Dominorum et omnium ballivorum suorum. Et prohibeo, super forisfacturam regiam, ne ullus aliquis hominum aliquo modo se intromittat de terris eorum; nec de hominibus suis ubicunque fuerint; nec de forestis; nec de silvestribus bestiis infra terminos suos; nec de aquis eorum in Portu de Wÿtebÿ, vel alibi; nec de possessionibus aliis, ecclesiasticis vel laicis; ne de aliqua re quæ pertineat ad Ecclesiam de Wÿtebÿ, nisi ipsi Monachi, et ballivi sui, et ministri, quos ipsi providerint. Teste, Willelmo de Perci. Westmonasterium.[2]

CLXXXV. HENRICI SECUNDI[3] DE LIBERTATIBUS DE WYTEBI. [M. 154.]

Henricus, Rex Angliæ et dux Normanniæ et Aquitanniæ, et Comes Andegaviæ, Archiep'is, Ep'is, Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris,[4] Præpositis, et omn. fidelibus suis, Francis et Anglis, salutem. Sciatis me concessisse et confirmasse, Regia auctoritate, Deo et Ecclesiæ

[1] For observations tending to prove that this charter is rightly ascribed to the Conqueror, notwithstanding the view taken by Young and others, see Introductory Chapters.

[2] M. supplies "apud" before Westmonasterium.

[3] M. has "tercii" here, but obviously in error; for the grantor of this charter speaks at the close of it of "Henricus Rex avus meus," which must apply to Henry I.

[4] *minustris.*

S. P. et S. Hyldæ de Wẏtebẏ, et Abbati et mon. ibid. Deo serv., omnibusque hominibus eidem Ecclesiæ pertinentibus, omnes libertates et consuet. quas habet Ecclesia S. Johannis de Beverlaco et S. Wilfridi de Ripun, in t'ris et hominibus suis. Concedo etiam eis in eadem villa burgagium, et feriam ad festum S. Hyldæ, cum socha,[1] et sach, et tol et them, et infangentheof,[2] et omnes venientes ad predictam feriam habeant meam firmam pacem, cum omnibus rebus suis, veniendo et redeundo. Concedo etiam eis Portum maris, cum tol et them, et cum libertatibus et consuetudinibus ad portum maris pertinentibus. Et præterea concedo eis in Eboracho ecclesiam omn. Sanctorum de Fischergate,[3] et omnes t'ras et homines in eadem civitate Ecclesiæ S. P. et S. Hẏldæ de Wẏtebẏ pertinentes, cum soca (47[b]) et sacha, et tol et them et infangentheof, et cum omn. libert. et consuet. quas habent t'ræ et homines S. Petri et S. Cutberti in eadem civitate consistentes. Præcipio etiam[4] ut habeant et possideant in dominium suum omnes forestas, pasturas, terris Abbatiæ pertinentes, ita libere et quiete ut nullus de ministris meis intromittat se de nemoribus et pasturis Ecclesiæ S. P. et S. Hẏldæ de Wẏtebẏ pertinentibus. Confirmo etiam eis duas carrucatas t'ræ in Hakanes, et quatuor in Nordfeld, et duas in Brinistona,[5] sine geldo. Quare volo et præcipio ut bene et in pace, et libere et honorifice et quiete teneant ecclesias et t'ras suas, in bosco et plano et pratis et pasturis et aquis et molendinis et mariscis et vivariis et piscariis et stagnis et exclusis, infra Burgam et extra, in foris, in feriis, in civitate et extra, in forestis et divisis, in semitis et in viis, et in omn. locis et rebus, cum omn. libertatibus et civitationibus,[6] cum quibus melius et liberius tenuerunt tempore Henrici Regis avi mei, et sicut carta[7] ejusdem Regis testatur. Teste—Reginaldo Comite de[8] Cornubia:

[1] M. soka.

[2] *infrangentheof*; M. infangentheof, infangenetheof.

[3] M. Fisheregate.

[4] M. præterea for "præcipio," and omits "etiam."

[5] M. Brungestona.

[6] *ciiiitacionibus* in A, *ciuitacionibus* in M; *quietacionibus* in No. 187.

[7] *certa.*

[8] M. omits "comite de." Reginald Earl of Cornwall, one of the illegitimate sons of Henry I., surnamed de Dunstanville. He is further said by Dugdale (*Baron.* i. 610) to have had the lordship of Meleburne, in Somerset, given him by Henry II., with the manors of Karswell and Depeford, and as

Ricardo de Lusci: et Manasse Biset[1]: et Willelmo de Perci.[2] Apud Notingham.

CLXXXVI. HENRICUS SECUNDUS DE DIVISIS. [M. 163b.]

Henricus, D. G. Rex Angliæ et Dux Normanniæ et Aquitanniæ et Comes Andegaviæ, Justiciariis, Vicecomitibus, Forestariis, omnibus fidelibus suis, salutem. Sciatis me conc. et conf. Deo et Ecclesiæ S. Petri et S. Hẏldæ de Wẏtebi, et mon. ib. Deo serv., omnes t'ras suas, et nemora sua, et pasturas suas, ita plene, libere et quiete et honorifice ut nullus de ministris meis intromittat se de nemoribus et pasturis eorum, nec prohibeat eos facere proficuum de nemoribus et pasturis eorum. Concedo etiam eis et confirmo omnes t'ras, forestas, nemora et pasturas quas Willelmus de Perci, et Alanus de Perci, filius ejus, fundatores præd. Abb[a]tiæ, eis dederunt in elem. perp., per metas sicut habetur in carta Alani de Perci: videl.—A portu Wẏtebẏensi totam marinam, usque ad Blawẏc, et inde usque ad Grenedic, et in longum Grenedich[3] usque Swynestischage,[4] et usque Thornelaẏe,[5] et totam Thornelaẏe, et Kirkelac, et usque Coppekeldebroc, et inde in longum per cilium ultra Theovesdiches,[6] et usque Staincrossegate[7] quæ est prope villam de Suffeld,[8] et usque Gretaheved, et usque Elsicrof[t], et mosam usque dimidiam mosæ, et inde (48) usque Derewentam, et dimidiam Dereuuentam in longum usque ubi erumpit Derewenta, et usque Lillacros,[9] et usque Scograines-houes, et usque Sẏlehou,[10] et usque Lithebech,[11] et sicut Lithe-

interesting himself, 10 Henr. II., in an attempt to reconcile the King with Becket; as returning his knight's fees to be 215½ when the aid was levied for marrying the said King's daughter in the twelfth year of his reign; and he is heard of again in 19 Henr. II. He is then said to have died in 21 Henr. II., or 1175. In a MS. note, on the margin of A., is a reference to Vincent, f. 129, where the decease is placed in "22 vel 23 Henr. II."

[1] M. gives no further witnesses.

[2] William de Percy, son of Alan and grandson of the Founder, who was living in 1166.

[3] M. Grenedic.

[4] M. Suinesticage.

[5] M. Thorenlaye.

[6] M. Theovesdikes.

[7] M. Stancrossegate.

[8] M. Suthfeld.

[9] M. Lilehaucros.

[10] M. Silehaues.

[11] M. Lithebec.

bech[1] cadit in aquam de Esch, et dimidiam Esch in longum, et ultra Esch usque ad fontem S. Hýldæ, qui cadit in Esch, et inde in longum usque Horsecroft, et in Tordisa, et usque in mare, et inde per marinam ad Wýtebý. Prohibeo vero ne aliquis infra præd. metas et divisas prædictæ Ecclesiæ Abbatis et monachorum commune habeat, in nemoribus et pasturis eorum, nisi per licentiam eorum. Teste. Magistro Waltero de Cost', Oxoniensi Archidiacono;[2] et Willelmo, Comite de Mandevilla:[3] et Johanne filio Luc'. Apud Direncurt.

CLXXXVII. Ricardus Rex de Wastis, Essartis, et Regardis. [M. 158.]

Ricardus, D. G. Rex Angliæ, Dux Normanniæ, etc. Archiepiscopis, etc. Sciatis nos conc. et pr. c. nostra conf. Deo et Ecclesiæ S. P. et S. Hýldæ de Wýtebý, et Abbati monachisque ib. Deo serv., omnibusque hominibus eidem Ecclesiæ pertinentibus, omnes libertates et consuetudines quas habet Ecclesia S. Johannis in[4] Beverleia,[5] et Ecclesia S. Wýlfridi de Ripun, in t'ris et hominibus suis. Concedimus [e]tiam[6] et confirmamus præd. Ecclesiæ in eadem villa de Wýtebý burgagium, et feriam ad festum Sanctæ Hyldæ, cum soca et sach[7] et tol et them et infangentheof,[8] et omnes venientes ad præd. feriam habeant nostram firmam pacem, cum omn. rebus suis, veniendo et redeundo. Concedimus etiam et conf. præd. Ecclesiæ Portum maris, cum alga per totam t'ram suam, et cum tol et them, et cum omn. libert. et consuetudinibus ad portum maris pertinentibus. Et præterea concedimus et conf. præd. Ecclesiæ de Wýtebý ecclesiam Omn. Sanctorum de Fischergate[9] in Eboracho, cum pert. suis, et omnes terras et homines in eadem civitate Ecclesiæ S. P. et S. H. de Wýtebý pertinentes; cum socha et sach[7] et tol et them et infangentheof,[8] et cum omn.

[1] M. Lithebec.

[2] A witness also to No. 192, where the name is more fully given in the form Constances.

[3] M. gives no more witnesses. William Earl of Mandeville died in 1191 according to Dugdale, in 1189 according to Vincent, as quoted in the margin in the same hand as before, one of the early part of the seventeenth century.

[4] M. de.

[5] M. Bevelaio.

[6] Written *tciam*. M. eciam.

[7] M. saca.

[8] M. infangenetheof: A. *infrangentheof*.

[9] M. Fiskeregate.

libert. et consuet. quas habent terræ et homines S. Petri et S. Cutberti in eadem civitate consistentes. Concedimus etiam et conf. præd. Eccl. de Wẏtebẏ, et Abbati et mon. illius loci, ut habeant et possideant in domin[i]um suum omnes terras, forestas, nemora, et pasturas t'ris Abbatiæ suæ pertinentes, ita libere, quiete, plene, et honorifice, (48b) ut nullus de ministris nostris intromittat se de nemoribus, nec de pasturis Ecclesiæ S. Petri et S. Hẏldæ et Abbati [et] monachis de Wẏtebẏ pertinentibus; nec prohibeat eos facere proficuum suum de nemoribus et pasturis eorum. Et habeant libere forestarios et ministros suos ad nemora sua et pasturas suas custodiendas. Et prohibemus ne aliquis infra metas et divisas præd. Ecclesiæ Abbatis et monachorum commune habeat in nemoribus et pasturis eorum, nisi per licentiam eorum. Et clamamus eos quietos de wastis et essartis[1] et regwardis[2] forestæ. Concedimus etiam et conf. præd. Ecclesiæ omnes donationes et libertates et consuetudines qua[s] Willelmus Rex, abavus noster, et Willelmus Rex filius ejus, et Henricus Rex proavus noster, et gloriosus Rex Henricus, pater noster, eidem Ecclesiæ dederunt, et cartis suis confirmaverunt. Omnes vero donationes Willelmi de Perci, fundatoris præd. Abbatiæ, et Alani de Perci filii ejus, et Willelmi de Perci filii Alani, et aliorum advocatorum suorum, unde habent cartas eorum; et duas carrucatas t'ræ in Hakanessa, et quatuor in Nordfeld, et duas in Brinistona,[3] cum pert. suis, sine omni geldo, concedimus eis et conf. in elem. perpetuam. Quare volumus et firmiter præcipimus ut bene et in pace, libere et honorifice et quiete teneant ecclesias et decimas et t'ras suas, in bosco et plano, in pratis et pasturis, in aquis et molendinis, in mariscis et vivariis, et piscariis et exclusis et stagnis, infra burgam et extra, in foris et feriis, in civitate et extra, in forestis et divisis, in vaccariis et heremitoriis, in viis et semitis, et in omn. locis et rebus, cum omn. libertatibus et quietationibus cum quibus melius et liberius tenuerunt temporibus Willelmi Regis, abavi nostri, et Willelmi Regis filii ejus, et Henrici Regis proavi nostri, [et] gloriosi Regis Henrici, patris nostri. Teste. R. And. Episcopo. Comite de Mellet. Galfrido Lostur. Reginaldo de Patell',[4]

[1] M. assartis. [2] M. reguardis. [3] M. Briningestona.
[4] Note Rogero de Pratell' at end of No. 188.

Dapifero nostro. Stephano de Turneham. Radulfo, filio Godefridi, Camerario nostro. Datum per manus Johannis de Alecon, Archidiaconi Lexovii, Vicecancellarii nostri. Apud Calon' xxiiii. die Aperillis. Anno primo regni[1] nostri.

CLXXXVIII. RICARDUS[2] REX ANGLIÆ DE DIVISIS. [M. 159.]

Ricardus D. G. Rex Anglie, Dux Norm., Comes Andegaviæ,[3] Archiep'is, Ep'is, Abb., Com., Bar., Justic. Vicecom., Forestariis, et omnibus ba[l]livis et fidelibus suis, salutem. Sciatis me conc. et conf. Deo et Ecclesiæ S. Petri et S. Hyldæ de Wẏtebẏ, et mon. ibid. Deo serv., omnes t'ras suas, et nemora sua, et pasturas suas, ita plene, libere et quiete et (49) honorifice, ut nullus de ministris meis intromittat se de nemoribus et pasturis eorum, nec prohibeat eos facere proficuum de nemoribus et pasturis eorum.[4] Concedo etiam eis et confirmo omnes t'ras, foresta[s] nemora et pasturas quas Willelmus de Perci, et Alanus de Perci, filius ejus, fundatores præd. Abbatiæ, eis dederunt in elem. perp., per metas sicut habetur in carta Alani de Perci—videl. a portu Wẏtebiensi, totam marinam, usque ad Blawẏc, et inde usque ad Grenedic, et in longum Grenedich[5] usque Swẏnestichage,[6] et usque Thornelaye,[7] et totam Thornelaẏe,[7] et Kirkelac,[8] et usque Coppekeldebroc, et inde in longum per cilium ultra Theovesdiches,[9] et usque Staincrossegate[10] quæ est prope v. de Suffeld,[11] et usque Gretaheved, et usque Elsicroft,[12] et mosam usque dimidiam mosam, et inde usque Derewentam,

[1] *regis.*

[2] M. ascribes this confirmation to King John, but, it would almost seem, wrongly. In A. it is coincident with the last as far as it goes, and is dated at the same place, but one day earlier, and attested by the same witnesses. There is a copy of a charter of confirmation by King John in Dodsworth (120, f. 2), which however is by no means coincident with this, although describing the boundaries as this does. It is dated March 1, 5 John, at York. This will be found below in No. 580, and it will be observed that it, save differences of spelling, is coincident with the corresponding part of No. 191.

[3] *Antegauie.*

[4] M. omits from "nec prohibeat" to "pasturis eorum."

[5] M. Grenedic.

[6] M. Suinesticage.

[7] *Thornelyaye:* M. Torenlaye.

[8] M. Kirkelaye.

[9] M. Theovesdikes.

[10] M. Stancrossegate.

[11] M. Suthfeld. A. inserts here, but marked as a mistake, "et usque Lillacros."

[12] M. Elfsicroft.

et dimidiam Derewentam in longum usque ubi erumpit Derewenta, et usque Lillacros,[1] et usque Scograineshoues,[2] et usque Sẏlehou,[3] et usque Lithebech,[4] et sicut Lithebech[4] cadit in aquam de Esch, et dimidiam Esch in longum, et ultra Esch usque ad fontem S. Hẏldæ, qui cadit in Esch, et inde in longum usque Horsecroft, et usque Thordisa,[5] et usque in mare, et inde per marinam ad Wytebi. Prohibeo vero ne aliquis infra prædictas metas et divisas præd. Ecclesiæ Abbatis et monachorum commune habeat in nemoribus et pasturis eorum nisi per licentiam eorum. Teste. R. Episcopo.[6] And. Comite de Melet. Galfrido Lostur'. Rogero de Pratell',[7] Dapifero nostro. Stephano de Thur[n]ham. Radulfo filio Godefridi. Datum per Manum Johannis de Alencunt, Archidiaconi Lexoviæ, Vicecancellarii nostri, apud Chalon', xxiii die Aperillis, Anno primo regni nostri.

CLXXXIX. Ricardus Rex Angliæ de Libertatibus. [M. 157.]

Ricardus, D. G. Rex Angliæ, Dux Normanniæ, etc., salutem. Sciatis nos conc. et pr. c. nostra conf. Deo et Eccl. S. P. et S. Hẏldæ de Wẏtebẏ, et Abbati[8] monachisque ibi[dem][9] Deo serv., omnibusque hominibus eidem Ecclesiæ pertinentibus, omnes libert. et consuet. quas habet Ecclesia S. Johannis de Beverleia,[10] et Ecclesia S. Wilfridi de Ripona,[11] in t'ris et hominibus suis. Concedimus etiam et conf. præd. Ecclesiæ in eadem villa de Wẏtebẏ burgagium et feriam ad f. S. (49[b]) Hẏldæ. cum soccha[12] et sacha, et thol et them, et infangenetheof,[13] et omnes venientes ad præd. feriam habeant nostram firmam pacem, cum omn. rebus suis, veniendo et redeundo. Conced. etiam et conf. præd. Eccl. Portum maris, cum alga, per totam terram suam, cum thol et theam, et cum omn. libert. et cons. ad portum maris pertinentibus. Et præterea conc. et conf.

1 M. Lilehaucros.
2 M. Scograineshaues.
3 M. Silehaues.
4 M. Lithebec.
5 M. Tordisa.
6 *Episcoporum.*
7 M. "Dapifero nostro" and to the end omitted.
8 A. here inserts "et" wrongly.
9 *ibi.* M. ibidem.
10 M. Beverleya.
11 M. Ripun'.
12 M. socha.
13 M. infangtnetheof.

præd. Eccl. de Wÿtebÿ in Eboraco ecclesiam Omn. Sanctorum de Fischeresgate[1] cum pertinentiis suis, et omnes t'ras et homines in eadem civitate Ecclesiæ S. P. et S. H. de Wÿtebÿ pertinentes, cum socha, sacha, et thol et theam, et infangeuetheof, et cum omn. libert. et cons. quas habent t'ræ et homines S. Petri et S. Cuthberti[2] in eadem civitate consistentes. Concedimus etiam et conf. præd. Ecclesiæ de Wÿtebÿ et Abbati et monachis illius loci ut habeant et possideant in dominium suum omnes t'ras, forestas, nemora, et pasturas t'ris Abbatiæ suæ pertinentes, ita libere et quiete, plene et honorifice, ut nullus de ministris nostris intromittat se de nemoribus, nec de pasturis Ecclesiæ S. P. et S. Hÿldæ et[3] Abbati et monachis pertinentibus, nec prohibeant eos facere proficuum suum de nemoribus et pasturis eorum: et habeant libere forestarios et ministros suos ad nemora sua et pasturas suas custodiendas. Et prohibemus ne aliquis infra metas et divisas præd. Ecclesiæ et Abbatis et monachorum commune habeat in nemoribus et pasturis eorum, nisi per licentiam eorum. Et clamamus eos quietos de wastis et essartis[4] et reguardis[5] forestæ. Concedimus etiam et conf. præd. Ecclesiæ omnes donationes et libert. et consuet. quas Willelmus Rex, abavus noster, et Willelmus Rex, filius ejus, et Henricus Rex, proavus noster, et gloriosus Rex Henricus, pater noster, eidem Eccl. dederunt et cartis suis confirmaverunt. Omnes vero donationes Willelmi de Perci, Fundatoris præd. Abbatiæ, et Alani de Perci, filii ejus, et Willelmi de Perci, filii Alani, et aliorum advocatorum suorum, unde habent cartas eorum, et duas carrucatas t'ræ in Hachenesse,[6] et quatuor in Northfeld,[7] et duas in Brinnigstona,[8] cum pert. suis, sine omni geldo, concedimus eis et conf. in elem. perpetuam. Quare volumus et firmiter præcipimus ut bene et in pace, libere et honorifice et quiete teneant ecclesias et decimas et terras suas, in bosco et (50) plano, in pratis et pasturis, in aquis et molendinis, in mariscis[9] et vivariis,[10] in piscariis et exclusis stagnis, infra burgum et extra, in foris et feriis, in

[1] M. Fischeregate.
[2] M. Cudberti.
[3] M. omits this "et."
[4] *Ellatis.* M. assartis.
[5] M. regardis.
[6] M. Hachenes.
[7] M. Nodfeld.
[8] M. Brinnigeston'.
[9] *mariciis.*
[10] *wiuariis.*

civitate et extra, in forestis et divisis, in va[c]cariis[1] et her[e]mitoriis, in viis et semitis, et in omnibus locis et rebus, cum omnibus libertatibus et quietationibus cum quibus melius et liberius tenuerunt temporibus Willelmi Regis, abavi nostri, et Willelmi Regis, filii ejus, et Henrici Regis, proavi nostri, et gloriosi Henrici Regis, patris nostri. [*Witnesses and date as in last deed.*]

CXC. Carta Henrici Regis de Venatione[2] ei data. [M. 162b.][3]

Henricus, Rex Angliæ, Thomæ[4] Archiep'o de Eboracho, et Osberto Vicecomiti, et Nigello de Albini,[5] et Aschetillo de Bulmer,[6] et omn. Baronibus et ministris suis, et omn. fidelibus suis, Francis et Anglis, de Eborachasira,[7] salutem. Sciatis quod Willelmus, Abbas de Wẏtebẏ,[8] et monachi illius loci dederunt michi in forestis suis, omnes cervos et cervas et porcos, et ego illos forestavi michi et hær. meis. Quare volo et præcipio ut Abbas et mon. de Wẏtebẏ omnia nemora sua et pasturas suas in perpetuum[9] teneant ita libere et quiete et honorifice ut nullus de[10] ministris meis intromittat se de nemoribus et pasturis eorum, nec disturbet[11] eos facere proficuum suum de nemoribus et pasturis eorum. Concedo etiam et confirmo præd. Ecclesiæ S. P. et S. H. de Wẏtebẏ, et mon. ibid. Deo serv. omnes t'ras, forestas et pasturas quas Willelmus de Perci et Alanus filius ejus, fundatores illius Abbatiæ,[12] de-

[1] *wacariis.*

[2] Attention is drawn to this confirmation in the Introductory Chapters, latter part. The grant as from the Convent to the King is peculiar, and without laying any stress on the "quare" in the formal "Quare volo et præcipio," it is impossible to suppose that such a grant by the Abbot to the Monarch was made without some special object.

[3] A third copy of the charter is extant, in "Cartæ Antiquæ, Roll. D.D.," which will be designated in these notes by the letter C. There are various discrepancies observable, which will be noted in order.

[4] C. Tome. Archbp. Thomas II., 1108-1114, which limits the date of this charter in either direction.

[5] C. Albeny.

[6] C. Bulemer.

[7] M. Eboraciscyra.

[8] C. Witebi, and wherever the name occurs.

[9] C. inserts "habeant et" before "teneant."

[10] A. repeats "et."

[11] *distrubet.*

[12] C. Abbacie.

derunt in elemosinam, per omnes metas sicut habetur in carta Alani de Perci—videl. a portu Wýtebýensi totam marinam, usque Blauuich,[1] et inde usque Grenedich,[2] et in longum Grenedich, et inde usque Swinestischage,[3] et usque Thornelaẏe,[4] et usque Kirkelach,[5] et usque Coppekeldbroch,[6] et inde in longum per cilium ultra Theovesdiches,[7] et usque Staincrossegate[8] quæ est prope villam de Suffeld,[9] et usque Gretaheved,[10] et usque Elsicroft,[11] et mosam[12] usque dimidiam mosæ, et inde usque Derewentam, et dimid. Derewentam in longum usque ubi erumpit Derewenta, et usque Lillacros,[13] et usque Scograineshoues,[14] et usque Sýlehou,[15] (50^b) et usque Lithebech,[16] et sicut Lithebech cadit in aquam de Esch, et dimi[di]am Esch in longum[17] sicut aqua de Brocholebech cadit in Esch, et de Brocholebech in longum usque Swarthouethcros,[18] et usque Horscroft, et usque Thordisa,[19] et usque in mare et per marinam ad Wýtebý. Volo etiam et præcipio quod duæ carucatæ t'ræ in Hakanes,[20] et iiii^{or} in Norfild,[21] et duæ in Brinistona,[22] cum omnibus pert. suis, pro animabus antecessorum meorum, non geldent.[23] Et prohibeo ne aliquis de hiis eis contumeliam vel injuriam faciat. Concedo etiam et confirmo quod Ecclesia S. Petri de Hakanes, cum pert suis,

1 M. C. Blawic.
2 M. Grendic; C. Grendich.
3 M. Suinesticage; C. Swinestischae.
4 M. Thorenlaye; C. Thornelay.
5 C. Kirchelac.
6 C. Copcheldebroc; M. Coppekeldebroc.
7 M. Theovesdikes; C. Theofesdikes.
8 C. Steincrosegate.
9 M. C. Suthfeld.
10 C. Gretasfed'.
11 M. Elfsycroft.
12 A. inserts "et" here erroneously.
13 M. Lilahaucros.
14 M. Scograinehoues; C. Scogreineshoues.
15 M. Silehaues; C. Silehou.
16 M. C. Lithebec.
17 A. after "longum" proceeds, "et sicut aqua de Brocholebech, etc.," but M. after the "et" inserts "ultra Esch ad fontem S. Hildæ qui cadit in Esche, et inde in longum usque Horscroft, et in," with "Thordisa," etc., following. C., however, corresponds with A., except that in the latter it is written "Thordisa usque," with marks to show that the scribe had noted the transposition, instead of "usque Thordisa" as in C.
18 C. Swartosevcros.
19 M. C. Tordisa.
20 C. Hachenesse.
21 C. Nortfelde; M. Norfeld.
22 C. Brinigstun; M. Briningestona.
23 C. and M. both read "geldent," not "geldentur," and C. inserts after, instead of before it, the words "pro a. antec. meorum."

habeat soch[1] et sach, thol et theam,[2] et infangenthef[3] [ut ibi aliqui monachi de Witebi jugiter maneant, et orent pro me et pro hær. meis, sicut in Ecclesia Omn. Sanctorum de Fischergate in Eboraco]. Teste.[4] Ranulfo Ep'o Dunelmensi; et Comite de Mellet; Henrico, Comite Wareuich;[5] et Alano de Perci;[6] et Roberto de Brus.

CXCI. De deafforestatione[7] forestæ. [M. 159^{b}.]

Johannes, D. G. Rex Angliæ, Dominus Hẏberniæ, Dux Normanniæ et Aquitanniæ, et Comes Andegaviæ, Archiep'is. etc., salutem. Sciatis nos reddidisse et concessisse et pr.[8] c. nostra conf. Deo et Ecclesiæ S. P. et S. Hẏldæ de Wẏtebẏ, et Petro Abbati, et succ. suis, et mon. ibid. Deo serv. inperpetuum, omnes cervos[9] et cervas et porcos de forestis suis constitutis infra metas in carta Regis Henrici, avi patris nostri, et in carta Regis Henrici, patris nostri, determinatas, quos idem Rex Henricus, avus patris nostri, sibi a[f]orestaverat. Quare volumus et præcipimus quod Abbas et mona[c]hi de Wẏtebẏ omnia nemora sua et pasturas suas in perpetuum teneant, ita libere et quiete et honorifice ut nullus de ministris nostris intromittat se de nemoribus et pasturis eorum. Concedimus etiam et conf. præd. Ecclesiæ S. P. et S. H. de Wẏtebẏ et mon. ibid. Deo serv. omnes t'ras, forestas et pasturas quas Willelmus de Perci, et Alanus filius ejus, fundatores illius Abbatiæ, dederunt in elemosinam, per omnes metas sicut habetur in c. Alani de Perci — videl. a portu Wytebiensi totam marinam usque Blauuich,[10] et inde usque Grendich,[11] et in longum Grenedich

[1] M. C. soc.

[2] C. has "et sac, et toll et tem," and omits "infangenthef" altogether, but inserts the words between brackets.

[3] C. infangenetehof.

[4] C. inserts immediately after T. (which ought to stand for Teste) "Ep o Exon'," and then goes on with "Ranulfo Ep'o Dunelm'."

[5] C. Warewic. Henry Earl of Warwick, died 1123.

[6] C. after Perci reads "apud Portesmudam per Robertum de Brus'."

[7] The first part of this charter is a restoration to the Abbey of Whitby of the forest rights alienated to Henry I. by Abbot William de Percy; no explanation of the restoration is, however, given, as none was given of the alienation.

[8] *presenta.* [9] *ceruuos.* [10] M. Blawic. [11] M. Grendic.

usque Suu[i]nstiscahe,[1] et inde usque Thornelac,[2] et totam Thornelaie, et usque Kirkalac, et usque Copkeldebroc,[3] et inde in longum per cilium usque ultra Thewesdiches,[4] et usque Staincrossegate quæ est prope villam de Suthfeld, et usque Gretheshoueth,[5] et usque Helsicroft,[6] et mosam usque dimidiam mosæ, et inde usque Derewentam, et dim. Derewentam (51) usque ubi erumpit Derewenta, et usque Lillacros[7] et Scogranehouuis,[8] et usque Silehou,[9] et usque Lithebech, et sicut Lithebech cadit in aquam de Esch, et dimidiam Esch in longum, et sicut aqua de Brocholebech cadit in aquam de Esch et[10] de Brocholebech in longum[11] usque Sawhovethcros,[12] et usque Horsecroft, et usque Thordisa,[13] et usque in mare, et per marinam ad Wẏtebẏ. Quare volumus et firmiter præcipimus quod ipsi omnia præd. habeant integre et plenarie, libera, quieta, et soluta ab omnibus quæ ad forestam, vel ad forestarios, pertinent, cum omnibus bestiis silvestribus et omnimoda venatione, ita quod nullus de ministris nostris se inde intromittat nec disturbet eos facere inde proficuum suum. Et prohibemus, super forisfacturam nostram, ne quis venetur infra metas prædictas nisi de licentia eorum, nec in aliquo veniat contra hanc cartam nostram. Teste. Galfrido filio Petri Comitis Exex'.[14] Ro[berto],[15] Comite Laẏcestrensi. Willelmo de Bruer'.[16] Hugone de Nevilla. Sẏmone de Patisill'.[17] Hugone de Cacumb'.[18] Data per manus Symonis, Præpositi Berverlacensis, et Archidiaconi de Welles, apud Eboracum, prima die Martii, Anno regni nostri quinto.

[1] M. Suinesticage. [2] M. Thorenlay. [3] M. Coppekeldebroe.
[4] M. Theovesdikes. [5] M. Gretaheved. [6] M. Elsicroft.
[7] M. Lilehaucros. [8] M. Scogranehoues. [9] M. Silehaues.
[10] M. omits from "sicut aqua Brocholebech cadit in aquam de Esch et."
[11] M. inserts "in" before "in longum."
[12] M. Suarthouescros.
[13] M. Tordisa.
[14] Geoffrey FitzPeter became Earl of Essex on the decease of William de Mandeville (a witness to Nos. 186, 183). See Dugdale i. 793.
[15] Robert FitzParnel, ob. 6 Joh. (1204); Dugd. i. 88.
[16] There were two of the name of William Briwer or Bruer at this time, father and son, and it is not easy to say which of the two is here designated.
[17] In a deed in the possession of Douglas Brown, Esq., of Arncliff Hall, dated 1202, to which William Engeram is a party, Simon de Pateshill is named as one of the Justiciars then being. Pateshull' in No. 582.
[18] Chaucumbe in Inspex. of Edw. II. (No. 582).

CXCII. Henricus Rex de confirmatione de Sut Filing. [M. 15b.]

Henricus, Dei G. Rex Angliæ, etc., salutem. Sciatis me conc. et pr. c. conf. Deo et Eccl. S. P. et S. Hÿldæ de Wÿtebÿ et mon. ib. Deo serv., in lib. et quietam et perp. elem., villam suam de Fielinga, cum omn. pert. suis, quam Robertus, filius Willelmi de Heichetona,[1] et Willelmus, filius ejusdem Roberti, eis reddiderunt et qu. clamaverunt de se et de hær. suis, et abjuraverunt, sicut carta ejusdem Roberti testatur. Et prohibeo ne quis eis inde injuriam vel contumeliam faciat; nec ponantur inde in placitum contra cartam præd. Roberti. Præterea concessi et conf. præd. Ecclesiæ et monachis ibid. serv. Deo, in lib. et qu. et perp. elem., dimidiam carucatam t'ræ, cum pert. suis, in Livertona, et decem et viiio acras t'ræ cum pert. suis, quas Robertus, filius Nigelli de Livertona,[2] præd. Eccl. dedit et confirmavit in elem. perp., sicut cartæ ejusdem Roberti testantur. Testibus. Magistro Waltero de Constances, Oxeneford' Archidiacono. Willelmo de Hum[et], Constabulario.[3] Apud Burum.[4]

CXCIII. Confirmatio Henrici Regis de terra Walteri de Caunci. [M. 15b.]

Henricus, D. G. Rex Angliæ, Dux Normanniæ et Aquitaniæ, Comes Andegaviæ (51b), Archie'pis, etc., et fidelibus suis totius Angliæ,[5] salutem. Sciatis me conc. et pr. c. mea conf. Deo et Eccl.[6] S. P. et S. Hÿldæ de Wÿtebÿ, et mon. ib. Deo serv., omnes rationabiles donationes quas Walterus[7] de Canci et Anfridus[8] filius ejus eis fecerunt et cartis suis confirmaverunt

[1] See Nos. 49, 174.

[2] This is of course the donation specified in the Memorial (p. 7), the 18 acres being the "additamenta" which "Willelmus Decanus adquisivit," and it identifies the Robert there mentioned as "Rob. fil. Nigelli de Livertun." See Nos. 80, 97.

[3] Appointed to the office of Constable of Normandy on the death of his father, p. 1174, by Henry II.

[4] M. omits "Constabulario," and name of place.

[5] *Anglia.*

[6] *Ecclesia.*

[7] See Memorial (p. 5), and Nos. 361, 362, 364.

[8] See Memorial (p. 5), and Nos. 201-203, 362, 363.

—scil. ecclesiam de Scirpinbech,[1] cum vi. bovatis t'ræ quæ ad eam pertinent; et ex dono eorundem vi. alias bov. t'ræ—iiii^{or} scil. in Scripinbech[2] et duas ad Pontem de bello; et præter eas quatuor^{xx} acras t'ræ et quinque culturas in Scirpinbec.[2] Quare volo et firmiter præcipio quod præd. Abbatia et Monachi ejusdem loci omnia præd. habeant et teneant in pur., lib. et perp. elem., bene et in pace, libere et quiete, plenarie et integre et honorifice, in bosco et plano, et pratis et pasturis, in aquis et molendinis,[3] in viis et semitis, et omn. aliis locis, cum omn. pert. suis, et libert. et lib. consuetudinibus, sicut cartæ donatorum testantur. Testibus. Johanne Norwicensi,[4] et Johanne Cicestrensi,[5] Episcopis. Godefrido de Luci. Johanne Cumin. Comite Willelmo de Mandevilla. Stephano de Toron', Sen[escallo] And'. Rannulfo de Glanvilla. Roberto Suttewilla. Apud Wintoniam.

CXCIV. Confirmatio ecclesiarum de Hotona, de Bernestona, de Quenersuttona, de Slengesbi et de Crosseby. [M. 156^{b}.]

Henricus D. G. Rex Angliæ, Dux Normanniæ, etc., salutem. Sciatis me conc. et pr. c. conf. Deo et Eccl. S. P. et S. Hildæ de Wẏtebẏ, et mon. ib. Deo serv., in perp. et lib. et qu. elem., ecclesiam de Hotona in Pikringlith,[6] cum pert. suis, et excepta[7] terra pertinente ad eandem ecclesiam in eadem præd. villa de Hotona, dimidia carucata[8] t'ræ, liberam et quietam ab omni serv. et exactione sæculari, sicut continetur in c. Alani Buscell',[9] et terram de Westcroft juxta Derewentam, et heremitorium juxta Westcroft, sicut cont. in c. Alani Buscell', quam inde habent prædicti Monachi. Præterea conc. et conf. prænom. Mon. de Wẏtebẏ ecclesiam de Bernestuna cum pertinentiis[10]

[1] M. Scirpingbec. [2] M. Scirpinbec. [3] *Mollendis.*

[4] 117$\frac{5}{6}$ to 2 June 1201.

[5] "20 vel 21 Henr. II. ad 26 ejusdem." [Marginal note.]

[6] M. Pekeringelith.

[7] M. reads here "cum" in place of "et excepta," which latter reading must be wrong.

[8] The construction is not absolutely plain here, but the case can hardly be any other than the ablative.

[9] See Memorial (p. 4), and No. 68. [10] *pptinenciis.*

suis, unde præd. Mon. habent cartam Alani de Muncell;[1] et ecclesiam de Quenersuttun,[2] cum pert. suis, unde habent cartam Roberti de Perci; et ecclesiam de Slengesbẏ, cum pert. suis, sicut cont. in c. Roberti Chambart;[3] et in Westmerlandia ecclesiam de Crosseby Ravenswart,[4] cum pert. suis, in pur. perp. et lib. elemosinam. (52) Teste. Willelmo, Comite Albemarliæ. Apud Notincham.[5]

CXCV. De heremitorio de Godeland. [M. 161[b].]

Henricus, Rex Angliæ, T[homæ][6] Archiepiscopo, et Nigello de Albini, et Osberto Vicecomiti, et omn. fidel. suis, salutem. Sciatis me dedisse Osmundo Presbitero et fratribus de Godelandia,[7] in elem. perp., libere et quiete, ipsum locum ad ospitandum[8] pauperes, pro a. Matildis Reginæ, et hæredibus suis.[9] Quare volo et præcipio ut fratres de Godelandia, et omnia quæ ad illum locum pertinent, meam pacem habeant de forestariis et de omn. hominibus; sitque illa elemosina ita libera et quieta sicut aliqua elemosina est lib. et qu. in Everwẏkesire.[10] Et præcipio vobis, Nigello[11] et Osberto, ut saisietis prædictum Osmundum et fratres in illum locum. Teste. Roberto de Brus, apud Wẏnd[esoram].

CXCVI. Item de eodem. [M. 162.]

Henricus, Rex Angliæ, T[homæ] Archiepiscopo, et Nigello de Albini, et Osberto Vicecomiti, et omn. fidel. suis, salutem. Sciatis quod Osmundus Presbiter, et fratres de Godelandia, quibus dedi ipsum locum, per voluntatem meam et consensum meum reddiderunt se et ipsum heremitorium[12] de Godelandia,

[1] See Memorial (p. 5). [2] *Queneosuttun.*
[3] See No. 90. [4] M. Ravenesuart. [5] M. Notingham.
[6] There can be little doubt that the initial T. given in this and the two following deeds is for Thomas rather than for Thurstan, for in No. 190 we find Archbishop Thomas's name associated in a confirmation by the same monarch with those of Nigel de Albini and the Sheriff Osbert. This would place the date of the present charter and its successors between 1108 and 1114.
[7] See Nos. 196, 197, 558. [8] M. hospitand'.
[9] M. hæredum suorum. [10] M. Everwcesyra. [11] *Negello.*
[12] Written "hereticorum," and not corrected.

cum omnibus pert. suis, in perp., Deo et Ecclesiæ de Wӳtebi, et Abbati et Conv. ejusdem loci, ad habitum religionis in Capitulo[1] monachorum recipiendum, et ad vivendum in obedientia et discipli[n]a et dispositione Abbatis in perpetuum, et ad sepulturam in cimiterio monachorum habendam. Quare volo et firmiter præcipio quod prædicti Abbas et mon. de præd. fratribus in perp. disponant, secundum regulam S. Benedicti. Et per hanc c. meam confirmo eis prædictum heremitorium[2] de Godelandia, cum omn. pert. suis, in pur. et perp. elem., ita lib. et qu. et integre tenendum, ut nullus omnino hominum ullo modo se intromittat de prædictis fratribus de Godelandia, ne[c] de ipso heremitorio, nec de pert. suis, nisi Abbas de Wӳtebӳ et illi quibus ipse jusserit. Teste. Roberto de Brus,[3] apud Eboracum.

CXCVII. De una carucata concessa fratribus de Godela[n]dia apud Godelandiam. [M. 170b.]

Henricus, Rex Angliæ, T[homæ] Archie'po, et Nigello de Albini, et Osberto Vicecomiti, et omn. fidel. suis, salutem. Sciatis me conc., d. et hac m. c. conf. fratribus de Godelandia, cum omnibus pert. suis, ipsum locum de Godelandia,[4] et unam carrucatam[5] t'ræ arandam, secundum carrucatas[5] de Phicrinch;[6] et pasturam[7] ad omnimoda pechora sua in omnibus pasturis meis de Picrinch[6] usque ad divisas Abbatis de Wӳtebӳ; et omnia neccessaria in boscis meis, tam de viridi quam de sicco,[8] ad domos ædificandas et sepes claudendas, et ad focum suum de sicco.[8] Quare volo et firmiter præcipio, et prohibeo super forisfacturam meam, ne ullus vestrum illos disturbet, vel sua, vel super hiis illos in aliquo vexare præsumat. Teste. T[homa], Archie'po Eboracensi, et Roberto de Brus, apud Eboracum.

1 *Catpitulo.*

2 Written "hereticorum," but noted as an error, and "heremitorium" supplied.

3 *Burs*, but correctly written in M.

4 This would seem to be the second, in order of time, of these three confirmations, No. 195 first, then this, and No. 196 third.

5 *carruccatam, carruccatas.*

6 M. Pikeringa.

7 M. cum pastura.

8 *siccho.*

CXCVIII. CONFIRMATIO TURSTINI ARCHIEPISCOPI DE ECCLESIA DE WITEBY ET PERTINENTIIS. [M. 148b.]

(52b) Thurstinus,[1] D. G. Eboracensis Archiep'us, Capitulo S. Petri Eboraci, et omnibus parochianis suis, salutem et Dei benedictionem. Nostri ministerii est terra[s] et possessiones ecclesiasticas, et præcipue Religiosis domibus collatas, pastorali cura defendere, et ad perpetuam stabilitatem corroborare. Hac itaque consideratione Monasterio S. P. et S. Hẏldæ de Wẏtebẏ, et monachis Deo serv. ibidem, ecclesiam S. Mariæ de Wẏtebẏ, cum capella de Snetuna, et Sancti Stephani[2] de Philinch,[3] et aliis capellis ad eam pertinentibus, et ecclesiam S. Mariæ de Hakenes,[4] cum pert. suis, et eccl. de Hotona, cum pert. suis, salvo jure Ebor. Ecclesiæ, cum episcopalibus consuetudinibus, in perp. elem. confirmamus, excepto quod ecclesia S. Mariæ[5] de Wẏtebẏ quieta sit de synodo. Præterea vero præd. Ecclesiæ conc. et conf. ferrum judiciale, cum pert. suis, et fossam, cum omnibus quæ ad eam pertinent. Confirmamus etiam Monasterio de Wẏtebẏ et monachis ejusdem loci ecclesiam Omn. Sanctorum de Phischergate[6] in Eboracho, cum pert. suis, lib. et quietam ab omni episcopali consuetudine, cum tali libertate qualem habet Ecclesia S. Johannis de Beverlacho, et Eccl. S. Wilfridi de Repuna.[7] Similiter confirmamus præd. Monasterio de Witeby eccl. S. Hẏldæ de Midlesburch,[8] cum pert. suis, quæ est cella monachorum, liberam et quietam ab omni episcopali consuetudine. Hii sunt testes:—Gosfridus,[9] Abbas Eboracensis. Ricardus de Fontibus. Gernegotus Chanonicus. Willelmus Canonicus. Hodo Presbiter, et Hedmundus, Presbiter de Wẏtebẏ.

[1] 1114-40. [2] *Stephane.* [3] M. Fieling.

[4] *Ahk'.* M. gives "Hakenes," a reading as to which there could, on any grounds, be no doubt.

[5] *Maria.* [6] M. Fisceregate.

[7] M. Ripun. [8] M. Midelburg.

[9] In the list of Abbots of York, as published, Richard seems to have vacated the abbacy "pridie Calendas Januarii 1131," and his successor Gosfrid to have held the dignity only until 17th July 1132 (16 Cal. Aug.). The former date may be taken to mean December 31, 1131; and if so, his presidency was a very short one indeed. It is clear that this confirmation must date in either 1131 or the first half of 1132.

CXCIX. Confirmatio Henrici Archiepiscopi de ecclesiis de Witeby, de Hakenes, de Semara, de Hotona, de Crosseby, de Atona, de Kirkeby. [M. 149b.]

Henricus,[1] D. G. Eborac. Archie'pus, R[oberto][2] Decano, et Capit. S. Petri, et omnibus parochianis suis, salutem et Dei benedictionem. Ad episcopalem spectat sollicitudinem terras et possessiones ecclesiasticas, et præcipue Religiosis domibus collatas, pastorali cura[3] defendere, et auctoritatis suæ pagina ad perpetuam stabilitatem roborare. Hac itaque consideratione Monasterio S. Petri et S. Hẏldæ de Wẏtebẏ, et mon. ibid. Deo serv., ecclesiam S. Mariæ ejusdem v. cum capellis suis de Snetune[4] et S. St. de Fielinga,[5] cum pert. suis, et eccl. S. Mariæ de[6] Hakenes, cum pert. suis, et eccl. de Semara, cum pert. suis, et eccl. de Hotona, cum pert. suis, et eccl. de Crossebẏ Ravenswart,[7] cum pert. suis, et eccl. de Etuna,[8] cum capella Newetunie sub Ohtnebercg,[9] cum pert. suis, et eccl. de Kẏrkebẏ, cum pert. suis, salvo jure Ebor. Ecclesiæ, et episcopalibus consuetudinibus, in perp. (53) elem. confirmamus; excepto quod Ecclesia S. Mariæ[10] de Wẏtebẏ quieta sit de sinodo. Præterea vero concedimus [e]idem Monasterio ecclesiam Omn. Sanctorum de Fiskergate[11] in Eboraco, cum pert. suis, cum tali libertate qualem habet Ecclesia S. Wilfridi de Ripuna.[12] Conc. etiam et conf. eidem Monasterio de Wẏtebẏ eccl. S. Hẏldæ de Midlesbur[13] cum pert. suis, quæ est cella monachorum, liberam et quietam ab omni episcopali consuetudine. Hii sunt testes: Savaricus,[14] Abbas Eboracensis. Hailredus, Abbas Riewallensis.[15] Cuthbertus,[16] Prior de Gisburnia. Galfridus,[17] Prior de Kerkam. Roberto Archidiacono.[18]

[1] Henry Murdac, 1147-53.
[2] Robert de Gaunt was dean in 1148.
[3] *cum.*
[4] M. Snetona.
[5] M. Filinga.
[6] M. omits "Mariæ de."
[7] M. Ravenesuart.
[8] M. Atona.
[9] M. Neutona sub Odeneberghe.
[10] *Maria.*
[11] M. Fiskeregate.
[12] M. Ripun.
[13] M. Midelesburg.
[14] Abbot from 1132-61.
[15] M. Ailredus. Burton only gives 116- towards the date of this abbot. From this document it is clear that he must have been abbot before 1153.
[16] Burton only says "prior before 1184." From this deed he must have been prior before 1153.
[17] Not named in Burton.
[18] Le Neve states that R. de Alneto was Archdeacon between 1154 and

CC. CONFIRMATIO WILLELMI ARCHIEPISCOPI DE ECCLESIA DE WITEBY, DE FILINGA, DE HAKENES, DE SEMARA, DE HOTONA, DE CROSSEBY, DE ATONA, DE KIRKEBY, DE ENGELBY. [M. 149.]

Willelmus,[1] D. G. Ebor. Archiep'us, Capitulo S. Petri, et omn. parochianis suis, salutem et Dei benedictionem. Episcopali attinet sollicitudini terras et possessiones ecclesiasticas, et præcipue Religiosis domibus collatas, pastorali sollicitudi[n]e defendere, et auctoritatis suæ pagina ad perp. stabilitatem solidare. Hinc est quod Monasterio S. P. et S. Hÿldæ de Wÿtebÿ, et mon. ib. Deo serv., ecclesiam S. Mariæ ejusdem v. cum capella de Snetuna, et S. Stephani de Filinga,[2] et omn. ad eam pertinentibus, et eccl. S. Mariæ de Hakenes, cum pert. suis, et eccl. de Samara, cum pert. suis, et eccl. de Hotuna, cum pert. suis, et eccl. de Crossebÿ Ravenswart,[3] cum pert. suis, et eccl. de Atona, cum capella Newetunie sub Ohtnebercg,[4] et aliis

1184. Assuming our Robert to be identical with Le Neve's R . . ., he must have been archdeacon a little before Le Neve's first date. It may be observed also that in No. 296, in which this charter is recapitulated, after Ailred's name comes in "Bernardus, Prior de Bridlington," who was prior "c. 1145." I append here abstract of a deed from Dodsworth, vii. p. 11, headed "Carta Henrici Archie'pi Ebor.," which is of interest not only as being by the same archbishop, but addressed to the same dean, and witnessed, to a great extent at least, by the same dignitaries as the present deed:—" Henr. D. G. etc. R. Decano etc. . . . Hac itaque consideratione ecclesiam de Kerandbi Canonicis regularibus de Berlintona, salvo jure Eborac. Ecclesiæ et consuet. Episc. in perp. elem., cum omn. pert. et capellis ejus, confirmamus. Hii sunt testes. Savaricus, Abbas Ebor. Ailredus, Abbas de Rievall'. Rodbertus, Archidiaconus. Cuthbertus, Prior Giseburniæ. Gaufridus, Prior de Kirkeham. Ricardus, Abbas de Witebi. Radulfus, Canon. Beverlacensis." Of course, Abbot Richard I. (c. 1130-48). The two deeds may have been signed at the same time.

[1] William de Gray, consecrated 1143, deprived 1147; restored 1153, died 1154. He was but thirty days in York after his restoration, and then died. According to Burton, Ranulf, Cuthbert's predecessor, was still Prior of Giseburne in 1144, and as Cuthbert is a witness to the present deed, it must consequently have been granted 1145-1147, or in the short interval succeeding the restoration. See notes to No. 77.

[2] *Filingna.*

[3] M. Ravenesuart.

[4] M. "de Neutona sub Odeneberga"—now Newton under Roseberry. The mediæval name Othensberg, Odenesberg, Ohtnebercg, occurs in almost end-

capellis, et omnibus ad eam pertinentibus, et eccl. de Kẏrkebẏ, cum pert. suis, et eccl. de Englebi,[1] cum pert. suis, quam Adam, advocatus ejusdem ecclesiæ, me præsente, meisque, Ecclesiæ præd. de Wẏtebẏ super sacrum altare, in lib. et perp. elem. dedit et obtulit: hanc itaque simul cum aliis ecclesiis, salvo jure Eboracensis Ecclesiæ, et episcopalibus consuetudinibus, in perp. elem. confirmamus; excepto quod ecclesia S. Mariæ de Wẏtebẏ quieta sit de sinodo. Præterea vero præd. Ecclesiæ S. P. et S. H. de Wẏtebẏ, et mon. ib. Deo serv., conc. et confirmamus in elem. perp. quod Reges Angliæ, Willelmus et Henricus et Stephanus pred. Ecclesiæ dederunt et confirmaverunt—videl. omnes libertates et dignitates et consuetudines Ecclesiæ S. Johannis de Beverlaco, et Eccl. S. Wilfridi de Ripum, et Eccl. S. Petri de Eboraco. Similiter præd. Ecclesiæ de Wẏtebẏ et mon. ejusdem loci conc. et confirmamus ecclesiam Omn. Sanctorum de Fiskergate[2] in Eboraco (53^{b}), cum. pert. suis, quæ propria cella monachorum est de Wẏtebẏ, liberam et quietam ab omni episcopali consuetudine, quam Willelmus et Henricus, Reges Angliæ, præd. Monasterio dederunt, cum tali libertate qualem habet Ecclesia S. Johannis de Beverlaco, et Eccl. S. Wilfridi de Ripum, ut ibi aliqui monachi de Wẏtebẏ maneant jugiter, et servitium Dei ibide(m) pro Regibus Angliæ et pro hær. eorum continue celebrent.[3] Confirmamus etiam Mon'io de Wẏtebẏ ecclesiam S. Hẏldæ de Midlesbur,[4] cum pert. suis, quæ est cella monachorum prænominatorum, lib. et quietam ab omni episcopali consuetudine. Ecclesiam vero S. Petri de Hakenes, quæ est similiter cella monachorum de Wẏtebi,

less variety of forms—nearly or quite twenty having been noted by the editor—and appears to have been the only name the hill was known by up to about the beginning of the seventeenth century. Odensberg or Othenesberg is without doubt the true form, and of course bespeaks an old Danish origin. Whether Odenberg or Odensberg replaced an older Anglian name cannot now be known, but it is worthy of note that a possible Anglian form, Hreosabeorh or Hreosebeorh, which is at least a possible origin for Roseberry, would be exactly synonymous with Otheneberg or Odensberg, either word meaning "the *berg*, or precipitous hill, of the rushing one." It is very difficult to account for the change from Othenesberg, Oonsbergh, etc., to Roseberry on any supposition. Not the least probable may be that there is in the latter the popularly preserved recollection of the old Anglian name.

[1] M. Engelby. [2] M. Fiskeregate. [3] *et celebrant.* [4] M. Mideleeburg.

in perp. elem. illis similiter confirmamus. Concedimus etiam Monasterio de Wẏtebẏ et confirmamus ferrum judiciale, cum pert. suis, et fossam, cum omnibus quæ ad eam pertinent. Hii sunt testes: Cuthbertus,[1] Prior de Gisburnia; Symon, Canonicus[2] de Kirkam; Magister Robertus de Hospitali; Wivianus Presbiter; et multi alii.

CCI. Confirmatio terræ de Ponte belli. [M. 111b.]

Anfrid de Canci confirms to Whitby all the land once Will. de Fublet's at Battlebridge, and the cultures once his father's.

Anfridus de Canci[3] omnibus hominibus suis, Francis et Anglis, omnibusque ortodoxis[4] S. M. Ecclesiæ filiis has litteras audientibus, salutem. Notum sit vobis me d. et conc. et pr. scripto confirmasse Monasterio S. Hẏldæ de Wẏtebẏ,[5] et monachis ib. Deo serv., in perp. elem., totam illam terram quam pater meus dedit Willelmo de Fublet[6] et hær. suis in hæreditatem—scil. duas bovatas t'ræ ad Pontem belli, et culturas dominicas quæ fuerunt patris mei, a fraxino usque ad Pontem belli, cum omn. pert. suis quæ illi t'ræ adjacent, ita lib. et quiete tenendam de me et hær. meis, sicut pater meus liberius et quietius prænom. Willelmo concessit; hoc est, per liberum servitium quantum pertinet ad duas bovatas t'ræ de decem carucatis in servitium militis. Hiis testibus. Nicholao Clerico. Waltero Capellano. Gamello, Presbitero Serlonis.[7] Petro filio Grente[8]

[1] M. Cudbertus. See notes to No. 34.

[2] M. adds nothing after "Canonicus."

[3] See Nos. 192, 202, 203, 361, 362, 530, etc. In Clutterbuck's *History of Hertfordshire*, William de Chauncy is mentioned as having, 1 Henry I., bought the manor of Scirpenbeck. His son Walter, *temp.* Stephen, gave a fine of £15 for leave to marry whom he would (Rot. Pipe). He and his son Anfrid or Amfrid, the grantor of the present charter, were considerable benefactors to Whitby.

[4] *Hortodoxis.*

[5] M. Whiteby.

[6] M. Fublett'. In No. 364 Walter de Canci describes him as "nepos meus." In the Memorial (p. 5) is the entry "Ex dono Will. de la Fubble, ii bov. t'ræ et xxx acras ad Pontem belli."

[7] The attempt to discriminate between the names of the witnesses is a difficult one. The contraction Serlon' might stand for Serlone; it is more probably Serlonis. M. has no further witnesses.

[8] Written "Pet' filio Gre'te." Will. fitzRobert and Peter filius Grente jointly held one knight's fee of William de Percy, son of Alan, early in the reign of Henry I.—(Black Book of Exchequer, p. 60.)

Ricardo Barun. Rosker. Hugone filio Outhen.[1] Gernagoto.[2] Willelmo fratre Andfridi.[3] Guill'o[4] Coll'.[4] Odo[ne] Petefin.[5] Sim'.[6] Willelmo de Norr[ais]. Gosfrido. Hervio de Ponte et multis aliis.

CCII. Amfridus de ecclesia de Scripingbec. [M. 111^b.]

Anfrid de Canci confirms to Whitby the church of Skirpingbeck, and fifty acres of land besides.

Notum sit omnibus S. M. Ecclesiæ filiis, tam pr. quam fut., vid. vel audientibus has litteras, quod ego, Anfridus de Canci,[7] libera devotione et inconcussa stabilitate, hac carta mea confirmo Deo et Ecclesiæ S. P. et S. Hýldæ de Wýtebý, monachisque ib. Deo in perp. (54) servientibus, ecclesiam de Scerpingbec in lib. et qu. et perp. elem., cum omnibus pert. suis, in decimis et terris et possessionibus, de vivis et mortuis, et omnibus ecclesiastici juris consuetudinibus, tam libere et plenarie sicut aliqua ecclesiarum totius Eboracensis Ecclesiæ dioceseos liberius et plenius decimas suas et possessiones, cæterasque consuetudines ecclesiasticas habet et possidet; sicut enim in carta patris mei donationem ejus præd. ecclesiæ Monachis de Wýtebý concessi, sic etiam hac carta mea eandem ecclesiam eisdem Monachis diligenter concedo et confirmo. Insuperque quinquaginta acras t'ræ, quas pater meus præd. Ecclesiæ donavit, etiam hac carta mea concedo et liberrime et sine[8] omni exactione confirmo, pro a. mea, et patris mei et matris meæ, et omnium prædecess. meorum et successorum. Et ut hæres meus, et cæteri successores mei sciant perfectam donationem meam hujus elemosinæ, benedictionem meam, et omnium Christianorum, habeant quicunque hanc elemosinam, patris mei et meam, manutenuerint. Qui vero illam confringere conabuntur, vel ab ecclesia de Wýtebý separare, e contrario maledictionem Dei optineant. Hujus rei testes sunt hii:—Radulfus Presbiter; Albertus Presbiter;[9] Willelmus presbiter; Nicholaus Diaconus; Reginaldus Diaconus.

[1] Hugo filius Audoeni (Memorial, p. 5). See No. 110. Audoen, Outhen, Outhan, etc., are simply corruptions of the Norse name Audunn.

[2] Usually styled "canonicus."

[3] Probably a brother of the grantor.

[4] It is hard to say what these names are.

[5] See Patefin, Petevin, etc., corruptions of Poitevin, in *Kirkby's Inquest*, pp. 286, 207, 348 *n.*, etc.

[6] Very doubtful.

[7] See notes to last deed.

[8] *Sne.*

[9] M. gives no other witnesses.

CCIII. Amfridus de Canci de dimidia carucata t'ræ. [M. 112.]

Notum sit omnibus, tam pr. quam fut., vid. vel audientibus has litteras, quod ego, Amfridus de Canci, d. et conc. Ecclesiæ S. P. et S. Hy̆ldæ de Wy̆teby̆, monachisque ib. [Deo] serv., in perp. elem., dimid. carucatam t'ræ in Scirpincbec, cum toftis et croftis, et pratis et pascuis, et pastura cum propriis anima[li]bus domini per totum, communique pastura[1] villæ et cæteris ad eandem terram pertinentibus, lib. et quietam ab omni servitio seculari et exactione et consuetudine, tam ad Regem quam ad me pertinente, in pur. et perp. elem. a[2] me et de hær. meis possidendam. Istam vero prænominatam t'ram dedi Ecclesiæ de Wy̆teby̆, et hac carta mea confirmavi, pro me et uxore mea, et pro liberis meis, et pro animabus patris et matris meæ, et animabus[3] antecessorum meorum, et pro quinquaginta acris restaurandis quas injuste subtraxi de centum acris[4] quas pater meus eidem Ecclesiæ jam antea dederat. Hujus donationis testes sunt:—Helyas Presbiter; Nicholaus Clericus;[5] Gervasius Clericus; Johannes Clericus; Gosfridus Brito de Buketorp, dapifer Anfridi; Serlo de Joltorp; Willelmus Burdun; Hugo filius Fulconis.[6]

Anfrid de Canci grants to Whitby half a carucate of land at Scirpenbec, with extensive pasturage rights, and confirms the same, towards the restoration of fifty acres unjustly taken from the Abbey.

[1] *Communique pasturam.* M. communique pasturam. The construction requires the correction given in the text.

[2] *Ad me.* M. a me.

[3] A. inserts "et" here.

[4] No gift of precisely 100 acres by Walter de Canci is anywhere specified. The Memorial entry (p. 5) is "Ex dono Walt. de Canci et Anfridi filii ejus, eccl. de Scirpenbec, et in eadem villa l. acras t'ræ," which is the number specified and localised in No. 361. But in the confirmation by Henry II. (No. 193) six bovates of land, belonging to the Church, are named, together with other four bovates in Scirpenbech, and besides them four score acres of land and five cultures in Scirpenbec, all the gift of Walter de Canci and his son Anfrid. It appears that at Skirpenbeck sixteen carucates went to make up a knight's fee (of 640 acres), which, with eight bovates in a carucate, limits the extent of a bovate to five acres. (See *Kirkby's Inquest*, pp. 442-445.) On this computation the ten bovates just named would make up fifty acres, besides which were eighty acres and five cultures. It is therefore to be supposed that these five cultures made up the eighty acres to one hundred, and that the present deed makes good the diminution of that number to fifty by Anfrid's deed, now repented of. But see No. 381, and last note.

[5] No other witnesses given in M.

[6] Grandson of Prior Reinfrid.

CCIV. Turstinus Archiepiscopus de Libertatibus Ecclesiæ de Witeby. [M. 148b.]

(54b) Omnibus S. M. Ecclesiæ filiis, Turstinus,[1] D. G. Eboraci Archie'pus, salutem. Notum sit vobis et omnibus vid. et audientibus litteras has, me, Turstinum Archie'pum, concessisse Ecclesiæ S. Petri de Wÿtebÿ omnem libertatem quam habent Ecclesiæ S. Wylfridi de Ripum et S. Johannis de Beverlaco—videl. sinodum quietum, et sacrum crisma, et ferrum judiciale, necnon et fossam, et quæcumque alia privilegia prædecessores mei eidem Ecclesiæ concesserunt,[2] confirmasse, et rata habuisse. Teste. Hugone Decano;[3] et Hugone Archidiacono.[4]

CCV. Conventio inter domum de Witeby et domum de Evesham.

Rogerus,[5] D. G. Abbas de Evessham, et Conventus ejusdem loci, omnibus S. M. Ecclesiæ filiis, salutem. Sciatis nos, consilio et assensu totius Capitali nostri, conc. et ded. et præsenti[6] carta nostra conf., in elem. perp., Ecclesiæ S. P. et S. Hÿldæ de Wÿtebÿ, et karissimis fratribus nostris et amicis, D'no Ricardo, Abbati de Wÿtebÿ, et Conv. ejusdem loci, ecclesiam nostram de Huntingdon,[7] cum omn. pert. suis, ita lib., plene et quiete ac solute, quod in ea nullam omnino reclamationem deinceps habebimus, præter tantum decem solidos, quos prædicti Mona[c]hi nobis annuatim persolvent infra octavas[8] S. Michaelis. Hiis testibus. Rogero,[9] Archie'po Ebor. Johanne Archidiacono.[10] Radulfo Capellano. Magistro Ricardo de Evessham. Ricardo Decano.

[1] Archbishop from 1114 to 1140.

[2] It is not unimportant to note the nature of these early "libertates" granted to Whitby.

[3] Written simply d'c. Doubtless Decanus is intended; and in effect Hugo Decanus Ebor. was witness to the Charter of Foundation of St. Clement's Monastery, near York, by Archbishop Thurstan in 1130, and also to that of the erection of Fountains in 1132. See No. 374.

[4] Hugo de Stotevagina, Archid. Ebor. in 1138. See Nos. 135, 253, 271.

[5] See Memorial, p. 5.

[6] *presenta.*

[7] M. Huntyngdon.

[8] M. octabas.

[9] Roger de Pont l'Évêque, 1154-1181. As Abbot Richard II. presided from 1177 to 1189, these two names would place the date of this deed between the years 1178 and 1181. Abbot Richard is therefore probably Richard I.

[10] M. gives no further witnesses.

CCVI. Odo filius Normanni de redditu xii denariorum.

Sciant omnes, tam pr. quam fut., quod ego, Odo filius Normanni, Dispensator D'ni Anfridi,[1] dedi et hac c. mea conf. Ecclesiæ S. P. et S. Hildæ de Wẏtebẏ, et mon. ibid. Deo serv., xii. denarios in vita mea, et p. m. meam. iiii^{or} solidos, de t'ra illa quam d'nus meus dedit michi pro servitio meo in Scerpinbec, quos persolvent hær. mei præd. Ecclesiæ post decessum[2] meum—scil. duos ad Pent., et duos ad f. S. Martini, in lib. et perp. elem., pro a. mea, et pro animabus antecessorum meorum. His testibus. Anfrido de Canci. Mag'ro Alano S. Petri. Nicholao Clerico;[3] et multis aliis.

Odo filius Normanni, steward to Anfrid de Canci, gives to Whitby 12d. in his lifetime, and 4s. after his death.

CCVII. (No heading.) [M. 110^{b}.]

Walterus de Perci[4] omn. hominibus suis, Francis et Anglis, et universis S. M. Ecclesiæ filiis, tam pr. quam fut., salutem. Sciatis me conc. et d. et hac m. c. conf. Hernisio filio Besing,[5] et hær. suis, in feudo et hæreditate, illas duas carucatas t'ræ quas mater mea michi dedit in Neutona[6] de matrimonio suo, ad tenendum de me solutas[7] (55) et quietas, ac liberas ab omni consuetudine et servitio, excepto recto danegildo Regis. Præfatus vero Hernisius, ut sibi et hær. suis servitium hujus liberi feudi ab omnibus aliis rebus redimeret, concessit ut ipse et hær. sui post ipsum, reddant michi pro illis duabus carucatis t'ræ, et pro omn. pert. suis, annuatim viginti sex sol. et octo d. Et hoc concessi, et pro hoc homagium suum accepi, ita tamen u[t], cum obierim, præd. carucatas t'ræ, quas ego, pro redemptione animæ meæ Ecclesiæ S. Hildæ de Wẏtebẏ, concessione ac confirmatione Willelmi de Perci, fratris mei, dedi in pur. et perp. elem., prædictus Hernisius et hær. sui teneant, cum omn.

Walter de Percy, de Rugemond, infeuds to Hernise son of Besing two carucates in Neuton, parcel of his mother's dower, compounding with Hernise for 26s. per annum, for all services due from the same land,

1 Anfrid de Canci, whose name stands first among the witnesses.

2 *dicessum.*

3 This charter is identical with No. 365, where more witnesses' names are given. This witness is described as "de Scridenbek," and then come Jordano Brutone, Petro filio Grente, and Anfrido Clerico, for some notice of whom see No. 366.

4 Walter de Percy de Rugemond. See Nos. 26, 529, etc.

5 M. Besyng.

6 M. Neutona. See notes to No. 46.

7 *salutas*, and *et* repeated.

payable to the Abbey after the donor's death.

pert. suis, de Ecclesia S. Hÿldæ de Wÿtebi, cum præd. jure, et cum tota libertate cum quibus de me tenuit—videl. ut nichil amplius Ecclesiæ isti pro t'ra ista faciant quam reddere, annis singulis, viginti sex s. et octo d.; dimidietatem[1] ad Pent. et medietatem ad f. S. Martini, et quod Ecclesia S. Hÿldæ de Wÿtebÿ servitium Hernisii et hær. suorum nemini det, sed in manu sua retineat. Et ego, Galterus de Perci, et hær. mei, warantizabimus totam præd. t'ram, cum omn. pert. suis, præd. Hernisio filio Besing, et hær. suis, c. o. homines. Hiis testibus. Roberto, Decano[2] S. Petri Eboraci. Geroldo Canonico. Serlone Canonico. T[h]oma filio Pauli Can'; et aliis.

CCVIII. Willelmus de Perci de Dunesleia. [M. 33.]

William de Perci de Dunesley grants and confirms to Whitby three bovates in Dunsley, specified, in consideration of an annual payment of 3s.

Omnibus S. M. Ecclesiæ filiis, tam fut. quam pr., Willelmus de Perci, filius Ricardi de Perci de Dunesleia,[3] salutem. Notum sit vobis omnibus me conc. et hac pr. c. conf. Deo et Eccl. S. P. et S. Hildæ de Wÿtebÿ,[4] et mon. ibid. Deo serv., in lib. et perp. elem., et Cantori Ecclesiæ, ad faciendum et scribendum libros ecclesiæ, tres bovatas t'ræ in Dunesleia,[5] cum pert. suis, et cum communi aisiamento ejusdem villæ—unam scil. bovatam t'ræ, quam magister Robertus de me tenuit, et duas quas Ricardus Lundoniensis aliquando habuit in vadimonio; et præterea quinque toftas in præn. villa, cum uno prato. Hæc aut[em] omnia in lib. et plena potestate mea optuli Deo et Eccl. de Wÿteby[4] super altare, per dominum Martinum Celerarium, pro a. mea et pro animabus Willelmi de Perci, avi mei, Fundatoris Abbatiæ, et Ricardi de Perci, filii ejus, patris mei, et hær. meorum, et omnium parentum meorum, in perp. elem., quieta ab omni (55[b]) servitio et cons. et exact. sæculari, præter tantum tres sol., quos præd. Cantor dabit michi et hær. meis annuatim, ad perficiendam firmam præd. Ecclesiæ—scil. xviii. den. ad Pent. et xviii. d. ad fe[s]tum S. Martini. Hiis testibus. Radulfo Presbitero.[6] Gaufrido Presbitero. Reginaldo de Snetuna. Ivone de Ugelbarbÿ; et aliis.

[1] M. medietatem.
[2] See No. 199. No other witnesses given in M.
[3] M. Dunsleia. For the grantor, see No. 74 and notes. See also No. 577
[4] M. Whiteby.
[5] M. Dunseleya.
[6] M. gives no more witnesses.

CCIX. De duabus carucatis in Neutona.

Willelmus de Perci[1] omn. hominibus suis, Francis et Anglis, salutem. Notum sit vobis et omn. S. Ecclesiæ filiis, tam pr. quam fut., me ded. et conc. Ecclesiæ S. P. et S. Hÿldæ de Wÿtebÿ, et mon. ib. Deo serv., pro s. mea, et antecessorum meorum, et pro a. Walteri[2] fratris mei, in lib. et perp. elem., duas carucatas t'ræ in Neutona, solutas et quietas et liberas ab omni servitio et consuetudine, quas præd. frater meus, Walterus, præf. Ecclesiæ dedit, et ego, ut advocatus, do et concedo, et utriusque nostrum—mei scil. et Walteri fratris mei—donationem præs. carta mea confirmo. Hiis testibus. Osberto Archidiacono.[3] Arnaldo, Presbitero de Tatecastre,[4] et Nicholao filio ejus. Arnaldo; et multi[s] aliis.

William de Percy II. confirms to Whitby his brother Walter's grant of two carucates in Newton.

CCX. Confirmatio Durandi de Butterwic.

Notum sit univ. S. M. Ecclesiæ filiis, tam pr. quam fut., quod ego, Durandus,[5] filius Geffridi de Butheruuic, concedo et pr. c. m. confirmo donationem Durandi,[6] avi mei, et concessionem patris mei G[effridi]—scil. unius carucatæ t'ræ in Butheruuic, et unius molendini, et duarum bovatarum in Scamestune, ita lib. et quiete ab omni servitio sæculari, et præcipue ab omni servitio regali, sicut ipsi concesserunt et dederunt Ecclesiæ S. P. et S. Hÿldæ de Wÿtebÿ, fratribusque ibid. deo servientibus, et pro animabus suis et hær. suorum, in perp. et lib. elem., excepto dumtaxat dangelht. Coram hiis testibus. Johanne Capellano. Aschetino de Torn[i]. Hugone Brun. Willelmo de Watervilla. Petro de Braid[lay];[7] et aliis.

1 Son of Alan de Perci, and grandson of William hote Lesgernuns. See No. 26, etc.

2 See No. 207.

3 See notes to No. 46.

4 See No. 26.

5 The grantor of this charter is grandson of the original benefactor, whose gift is thus mentioned in the Memorial (p. 5):—"Ex dono primi Durandi de Buttrewic, unam car' t'ræ in Buttrewic, et duas bov. in Scamestun, et unum molendinum," and whose charter conveying the same is found in No. 214. In this latter deed, besides his heir, "nomine Geffridus," six other sons are named, as also the son of his wife by her former husband. See also No. 149.

6 "Durandus primus de Buttrewic."

7 A Peter de Bradelai is a witness to No. 247.

CCXI. Alanus de Percy de II. carucatis.

Alan de Perci, le Meschin, grants to Whitby two carucates, one at Oxnam, the other at Hetton.

Sciant omnes vid. et audientes has literas, quod ego, Alanus de Perci,[1] pro s. a. meæ et pro domino meo, Rege David, et ejus filio, Henrico Comite, et pro hær. eorum, et pro a. Alani de Perci, patris mei, et pro a. [*left blank*] et pro animabus hær. meorum, et omn. parentum meorum, dedi Deo et Eccl. S. P. et S. Hildæ de Wýtebý, et mon. ib. Deo serv., duas carucatas t'ræ, unam in Oxeneham et alteram in Hettune, cum communi (56) aisiamento utriusque villæ, in elem. perp., liberas et quietas de omni ser[vi]tio et consuetudine sæculari. His testibus. Willelmo de Perci, fratre meo. Waltero de Perci, fratre meo. Gaufrido de Perci, fratre meo; et aliis.

CCXII. Radulfus filius Baldduwini de terra de Atona. [M. 107b.]

Radulfus fil. Baldewin de Bramhope grants to Whitby a rent of 5s. yearly, payable out of his land at West Ayton.

Univ. S. M. Ecclesiæ filiis has litteras vis. vel aud., Radulfus filius Baldeuuini[2] de Bramhope, salutem in D'no. Noverit univ. v. me, intuitu caritatis, pro s. a. meæ et prædecess. et succ. meorum, d. et c. et hac pr. c. m. conf. Deo et eccl. S. Hyldæ de Wýtebý, et nominatim Infirmario ejusdem Domus, in pur. et perp. elem., redditum quinque sol. per ann., percipiendum de terra mea de Atona in valle de Pickeringh, singulis annis, in festo S. Martini[3] [in] hy[e]me—quam, scil. t'ram Laurentius filius Danielis[4] tenet ibi de me hæreditarie.[5] Ego vero, Radulfus, eundem Laurentium et hær. suos assignavi ad perficiendam præd. elemosinam meam præfatæ Domui in perpetuum; qui Laurentius, pro se et pro hær. suis, tactis et[6] sacrosanctis, juravit se præd. redditum quinque sol. præd. Domui singulis

[1] Alan de Perci, le Meschin. See Memorial (p. 4):—"Ex dono Alani de Perci le Meschin, duas car. t'ræ, unam in Hetune juxta Rochesburc, et alteram in Oxeneham." See Nos. 56-64. No. 59 is very nearly coincident with this, but the witnesses, save only the first, are all different. See also No. 94. The gift is confirmed by the Pope in No. 149.

[2] M. Balduwini. See Nos. 233, 526, in which last he is styled Dominus de Staxton. See also No. 527, which is substantially a repetition of the present grant.

[3] *et* inserted and *in* omitted.

[4] Described in No. 233 as Laur. de Aton, filius Danielis.

[5] M. in hæreditate.

[6] M. omits "et."

annis in perpetuum in supradicto festo [soluturum][1] sine contradictione vel difficultate. Eidem [2] Ecclesiæ prenominatum redditum, sicut pur. et perp. elem. nostram, [w.], et defendemus eis illam in perpetuum ab omni sæculari servitio et exactione contra o. homines. Ut igitur hæc donatio mea rata in posterum et firma permaneat, eam sigillo meo corroboravi. Hiis testibus. Radulfo Nuuel. Adam, presbitero[3] de Hakenes. Johanne,[4] Canonico de Capella. Johanne Arundel;[5] et aliis.

CCXIII. Johannes de Atona de terra Rogeri Fabri.[6]

Sciant omnes, tam pr. quam fut., quod ego, Johannes de Atun, fili[u]s Willelmi Senioris filii Gilberti de Atun, conc. d., et hac pr. c. m. conf. Deo et Eccl. S. Hẏldæ de Wẏtebẏ, et mon. ib. Deo serv., pro d'o[7] et pro s. a. meæ, et pro s. animarum patris mei et antecess. meorum, totam t'ram quam Rogerus de Wẏcham tenuit de me—scil. unum toftum in Wicham, sexdecim perticarum in latitudine, triginta trium perticarum in longitudine, juxta Regiam viam in capite villæ versus orientem —scil.[8] mensuratas per perticam de Martun; et una[m] culturam apud Leche—scil. quicquid est inter pratum quod fuit Gerwasi de Prestun et fossatum[9] prænom. Rogeri[10] Fabri, sicut fossatu[m][11] vadit in latitudine et in longitudine. Has omnes præd. t'ras (56b) ego, præd. Johannes de Atun, dedi præd. Eccl. de Wyteby et mon. ib. Deo serv., cum omn. suis libertatibus et asiam. i. v. et extra, in pur. et perp. elem., lib. et quiete [et] pacifice ab omni servitio et consuetudine de me et de hær. meis, sicut aliqua elemosina melius vel liberius dari potest. Ego vero præd. Johannes de Atun, et hær. mei warantizabimus Deo et Eccl. S. Hẏldæ de Wẏtebẏ omnes præd. t'ras, cum omn præd. libert. et asiam., c. o. h. et f. in perpetuum. Hiis testibus

John de Aton grants to Whitby all the land once held by Roger Faber of Wykeham.

1 *soluturum*, or some equivalent word, is absolutely required.

2 *fide*, but *eidem* is obviously the true reading.

3 M. Capellano. No other witnesses given.

4 *Johannes.*

5 *Ardundel*, but the *d* dotted under as an error.

6 See No. 178, touching the grant of the same land.

7 The reading here is *d'o*, and it is difficult to decide on any probable meaning.

8 *Scil'ti.*

9 *fossocum.*

10 *Rogerus.*

11 *fosselum.*

Gilberto de Atun. Willelmo Buscel. Johanne de Caẏtun. Ricardo Buscel. Alano de Prestun. Hugone de Rostun. Roberto filio Willelmi; et aliis.

CCXIV. De una carucata in Buttrewic.

Durand de Butterwick, with consent of his heir, Geffrey, grants to Whitby a carucate of land in Butterwick, and also the mill and two bovates in Scameston.

Omnibus fidelibus Dei, Durandus de Butrewic,[1] salutem. Sciatis me meumque hæredem, nomine Geffridum, concedente mea uxore, cunctis[q]ue meis filiis, dedisse pro nost[ror]um corporum, nostrarumque animarum, cunctorumque nostrorum amicorum salvatione, unam carucatam t'ræ in Butreuic, liberam et immunem ab omni servitio, excepto danegeldo, in perpetu[u]m, S. Petro et S. Hẏldæ de Wẏtebẏ, omnibusque ibid. Deo serv., et hujus doni sunt testes filii mei—scil. Walterus, Randulfus, Radulfus, Joce, Hervius, Geroldus, et Willelmus Hei, Rogerus Baarth filius uxoris meæ, Robertus filius Randulfi, Willelmus filius Radulfi de Scamestun, Gilbertus Arce' filius Radulfi de Buteruic, Gilbertus Pinceaste, et Filvardus de Buteruic:—Et illam t'ram, ex mea parte, duo filii mei, Randulfus et Radulfus, sei[si]erunt fratribus de Wẏtebẏ, teste Willelmo de Boitorp, et aliis hominibus plurimis. Et adhuc sciatis me dedisse, tam libere cum prædicto dono in Scamestun, unum molendinum[2] et duas bovatas[3] t'ræ per concessionem meorum hæredum; et hæc dona, cum hær. meis, Geffrido, Waltero, optuli super altare S. P. et S. Hildæ de Wytebi. Teste. Roberto, Clerico de Kirkebi in Crandale. Auschetino de Ousegarth, et fratribus eius; et aliis.

CCXV. Confirmatio Willelmi de Vescy.

William de Vescy confirms to Whitby the

Willelmus de Vesci[4] omn. hominibus suis, Francis et Anglis, et omn. vid. vel audientibus has litteras, salutem. Sciatis me conc. et conf. Eccl. de Wẏtebi et mon. ib. Deo serv.

[1] See No. 210. [2] See No. 215. [3] *buuetas.*

[4] This must be William de Vescy, grandson of Eustace de Vescy, and son of William de Vescy and Isabella, daughter of the Earl of Salisbury. In *Kirkby's Inquest*, p. 267, while Will. Latymer (the first witness to the present deed) is mentioned as holding seven carucates of the fee of Mowbray in Scampston, William de Vescy, in the next entry, holds eight carucates in Wintringham of the fee of Mortimer.

pro a. patris mei et matris meæ, lib. et solide et quiete, molendinum de Scamestun,[1] et duas bovatas t'ræ, et unam toftam in eadem villa quæ Durandus de Buteruic dedit eidem Eccl. in perp. elemosinam. Quare volo atque præcipio ut Eccl. de (57) Wẏtebẏ ita libere et solide et quiete teneat prædictam t'ram et molendinum, cum omn. pert. suis—scil. cum cursu aquæ, cum stagno, cum via, et cæteris rebus, sicut Durandus ea dedit, et sicut liberius et quietius tenuit in tempore patris mei. Hujus rei testes sunt:—Willelmus Latimer. Walterus Capellanus. Wido [de] Canci. Willelmus filius Walonis; et alii.

mill of Scampston, with two bovates and a toft there, the gift of Durand de Butterwick.

CCXVI. De Heremitorio de Saltebrun. [M. 24b.]

Sciant omnes has litteras vis. et aud. quod ego, Rogerus de Argentum,[2] d. et c. et hac pr. c. m. conf. Deo et Eccl. S. P. et S. Hẏldæ de Wẏtebẏ, et mon. ib. Deo sėrv., pro s. a. meæ, et patris et matris meæ, et Amiceæ,[3] uxoris meæ, et omnium antecess. meorum et hær. meorum, in pur. et perp. elem., lib., solutam, et[4] quietam ab omni terreno servitio et exactione sæculari, heremitorium meum de Salteburne super ripam de Holebec quod frater[5] Archillus tenuit, cum omn. pert. suis, et asiamentis et libertatibus suis, in ṭerris et pascuis et aquis, sine ullo retinemento, ad faciendum inde quicquid facere voluerint in perpetuum. Et ego et hær. mei istam donationem manutenebimus et warantizabimus præd. Mon. c. o, h. in perpetuum. Hiis testibus.[6] Laurentio,[7] Priore de Giseburnia. Henrico, Capellano de Stokesleia. Adam, capellano de Engelby; et aliis.

Roger de Argentum grants to Whitby the hermitage of Saltburn.

CCXVII. De duabus acris in Uplium. [M. 24b.]

Omnibus vis. vel aud. has litteras, Rogerus de Argentum,[8] æternam in D'no salutem. Noveritis me reddidisse et quietum

Roger de Argentum releases to

[1] See Nos. 210, 214.
[2] See Nos. 72, 217.
[3] M. Amiciæ.
[4] M. omits *et*.
[5] *Supra*. M. reads *frater*, which is evidently right. The site of this hermitage has not been, it is believed, ascertained. It was of course on the Upleatham side of the stream named, as the other side is in the Skelton lordship.
[6] M. gives no witnesses.
[7] *c.* 1211.
[8] See Nos. 71, 72, and notes.

Whitby 2⅙ acres in Upleatham.

clamasse Deo et S. P. et S. Hẏldæ de Wẏtebẏ, et mon. ib. Deo serv., totum jus quod ad me pertinebat de duabus acris t'ræ in territorio de Upplium,[1] et sexta parte unius acræ—scil. unam acram in Eldeberge et dim. acram ad Grocros, et dimidiam acram et sextam partem unius acræ in Grenewal—videl. illam t'ram, quam Juliana uxor Willelmi de Argentum, nomine dotis, de domo de Wẏtebẏ acquisivit,[2] illarum duarum bovatarum terræ quas Willelmus de Argentum, maritus ejusdem Julianæ dedit Deo et Eccl. de Wẏtebẏ in pur. et perp. elemosinam. Istud grantum et istam quietam clamationem feci Deo et S. P. et S. Hẏldæ de Wẏtebi, et mon. ib. Deo serv., pro s. a. meæ et antecess. et hær. meorum. Hiis testibus. Stephano[3] de Blabẏ. Gregorio de Argentene.[4] Johanne Flambard. Johanne de Argentem. Willelmo de Wẏtebi. Roberto filio[5] Agnetis; et aliis.

CCXVIII. Agnes de Percy de ecclesia de Semara.

Agnes de Perci, widow of Joceline de Louvaine, confirms to Whitby her father's gift of the Church of Semar.

Agnes de Perci[6] univ. S. M. Ecclesiæ filiis, lecturis et aud. has litteras, salutem. Sciatis me, in tempore viduetatis meæ, conc. et hoc scripto conf. Deo et S. P. et S. Hẏldæ de Wẏtebẏ, et mon. ib. Deo serv., ecclesiam de Samara, cum omn. pert. suis, quam Willelmus de Perci,[7] pater meus, dedit eis in lib., pur. et perp. elem., pro a. mea et pro a. Jocelini,[8] mariti mei defuncti, et pro animabus patris mei et matris meæ, et pro a. etiam antecess. et hær. meorum. Hiis testibus. Ricardo, Decano de Samara. Thoma, Sacerdote de Hakanesse. Rogero filio Radulfi de Ugelbardebẏ; et multis aliis.

CCXIX. De terra in Livertona. [M. 22b.]

Sciant omnes videntes vel aud. has litteras, quod ego, Robertus de Livertuna,[9] d. et conc. Ecclesiæ de Wẏtebẏ et

[1] M. Uplium. [2] M. aquisivit. [3] *Stephane.*

[4] M. Argentom'; and no other witnesses given. [5] *filius.*

[6] Daughter of William de Percy son of Alan de Percy, and great-granddaughter of William de Percy hote Lesgernons, the founder. In 1197 Agnes de Perci redd. comp. de lx s. scutag' eodem (de Scutag' Walter'): Feod quod fuit Joceline de Luvain' v s. de Scutag'.—(Pipe Rolls, 8 Ric. I.)

[7] See No. 45. [8] Joceline de Louvaine.

[9] M. Livertona. See Nos. 80, 97, etc.

mon. ibid. Deo serv., in perp. elem., duas bovatas t'ræ in Livertun,[1] ita plenarie per totum sicut homines mei habent, et toftum unum xii. perticarum in latitudine, et longitudine quantum tofta aliorum hominum, et communem pasturam in communi bosco et plano, ita tamen quod nimietate pecuniæ[2] suæ nec gravent[3] me nec homines meos. In bosco autem meo, qui est in defensa, non accipient mairemium vel pannagium nisi per me. Istas itaque duas bovatas t'ræ, sicut prædixi, et toftum et communem per omnia pasturam concedo eis de me et de meis hær. liberas, solidas et quietas ab omni servitio, consuet. et exactione, et[4] de danegelt,[5] pro a. mea et conjugis meæ,[6] parentum et hær. meorum. Teste; Alano de Munceus.[7] Randulfo, Presbitero[8] de Finglin'. Willelmo de Karenti. Roberto de Aýcetuna. Willelmo de Houkasgart, et Rogero, fratre ejus; et aliis.

CCXX. De capella de Houkesgard. [M. 70[b].]

Notum sit omnibus vid. vel audientibus has litteras quod ego, Aschetinus de Houkasgart,[9] impetravi a dominis meis B[ene-

[1] M. Livertona. See Nos. 80, 97, etc.

[2] M. and A. both read *pecunie;* taken necessarily in the sense of *pecoris*, cattle.

[3] M. inserts *ultra modum* here.

[4] Another *et* inserted in A.

[5] M. danegeld.

[6] M. inserts *et* before *parentum*.

[7] M. Munceaus.

[8] M. gives nothing beyond this name.

[9] M. Houkesgard. The author of this deed, whose name appears under the varying forms Ascatinus, Aschetinus, Ascheutinus, Astinus, Aschetillus, Astillus, etc., is the founder of the not unimportant local family de Haukesgarth. In No. 263 he has grant, subject to certain conditions, from Abbot William de Percy, of Haukesgarth and Normanby, "in feudo et hæreditate," in exchange for Newham, and as he is described as "filius Willelmi," it was open to inference, if other means of information had been wanting, that his father was William de Newham. In No. 405, however, the inference is proved to be entirely correct, inasmuch as among the witnesses to No. 28, according to the Inspeximus copy in the deed named, are "Willelmus de Newham et filius ejus Aschetinus de Houkesgarth." In the present deed he obtains licence from the Abbot—though not from him who immediately succeeded Abbot William—to build a chapel at Haukesgarth, and to endow it. In No. 240, among the witnesses are "Astinus de Houkesgart et duo filii ejus." It is not clear if this means two of his sons, or his two sons; probably the latter. But there is nowhere in these charters any absolute identification of these two sons. Yet William de Haukesgard and Roger de

Aschetin de Haukesgard has licence from Abbot Benedict to build a chapel at Haukesgarth, and endows it.

dicto], Abbate[1] de Wýtebý, et Conventu[2] ejusdem loci, apud Houkesgart ædificare capellam in honore Omn. Sanctorum, pro animabus patris et matris meæ, pro me ipso et hær. meis. Dedi vero præd. capellæ unam bovatam t'ræ per totum campum, et totam Hormesgrif inter duos Dhutelet[3] usque ad divisas t'ræ de Normanbi,[4] et vii acras t'ræ in Sitdregrif,[5] et vallem de Gnipe,[6] et tres rodas juxta divisas t'ræ de Stainsecre,[7] et unam a[c]ram ad Staincroswyis,[8] cum communi pastura et aisiamentis (58) ejusdem villæ, libere et quiete ab omni consuetudine et servitio sæculari. Dominus vero Abbas et Conv.[9] de Wýtebý de præd. capella et de præd. t'ra quod voluerunt faciant, tantum ut ibi divinum officium assidue celebretur. Hiis testibus Magistro Osberto Arundel. Rogero de Snetun.[10] Ivone de Ugelbardebý,

Hauckesgard are both so named, or rather named under such circumstances that there can be no reasonable doubt as to the fact of their being Asketil's sons; and probably William, as named after his grandfather, would be the eldest son and heir. From William de Haukesgarth springs a son Thomas, who again has issue, by his wife Juliana, of a son Thomas. (See No. 163.) Roger, Aschetin's second son, has issue, Reginald de Haukesgarth, Adam, and William de Haukesgard. Reginald's wife is named Eufemia (No. 164), while William's wife is Cecilia, their son being Adam (*ib.*). These two deeds bring us down to *c.* 1230-1240. In No. 475, as witnesses to a grant by Reginald de Haukesgart, Adam de Haukesgart and his son Thomas appear. This is no doubt Reginald, son of Roger, as above. In Nos. 476, 478, 479, deeds dating in the early part of the fourteenth century, we have a Nicholas de Haukesgarth, son of Thomas, who speaks of "Manerium meum de Haukesgarth," which makes it nearly certain that Thomas, son of Thomas, and grandson of William, the assumed eldest son of Ascatine, is the Thomas named as the father of the said Nicholas. In No. 480, also dated, like one of those last cited, in 1308, we have Adam, son of Nicholas de Haukesgarth, quitclaiming to Whitby all his right and claim in and to the aforesaid manor. At this time Thomas de Haukesgarth, who became Abbot in or immediately after 1322, must have been a monk at Whitby; and it is not unreasonable to assume that he was brother of Nicholas and uncle of Adam last named. That he was closely connected there can be no doubt.

1 Abbot from *c.* 1139-1148.

2 *Conventui.*

3 M. reads here "Ormesg[r]iue inter dinteles," which is probably corrupt, and certainly throws no light on the suspicious word "Dhutelet." A "griff" in the Cleveland vernacular is a "deep narrow glen or valley, a ravine on a small or gentler scale" (*Cleveland Glossary*), but it is not possible to identify either Ormesgrif or Sitdregrif.

4 M. Normannebi.

5 M. Sicgediflat.

6 *Wallem de Gripe.* M. Gnipe.

7 *Stainsecrer.* M. Stainseker.

8 M. Staincrosuiis.

9 M. Abbas vero et Conventus.

10 M. gives no more witnesses.

et Roberto et Alano et Roberto, fratribus ejus. Willelmo de Perci de Duneslaẏ; et aliis.

CCXXI. Quieta clamatio de terra de Livertona. [M. 23.]

Omnibus has litteras vis. vel aud., Stephanus de Rosel[1] et Isabella uxor sua, salutem in D'no.[2] Noveritis nos quietum clamasse, reddidisse et resignasse viris venerabilibus, D'nis nostris, Abbati et Conv. de Wẏtebẏ,[3] omne tenementum quod habuimus vel habere potuimus in tota t'ra de Livertuna[4] quam de eis tenuimus in territorio et villa de Livertuna, de nobis et hær. nostris in perpetuum. Istam vero resignationem et quietam clamationem pro nobis et hær. nostris in perp., tactis sacrosanctis, fideliter observandam juravimus et affidavimus coram testibus subscriptis, in Capitulo de Wẏtebẏ:—Rogero, Capellano de Wẏtebẏ; Magistro Hugone de Fostona;[5] Willelmo de Rimeswelle; Rogero de Sancto Botulfo; et aliis.

Stephen de Roselles releases to Whitby all that he held of the Abbey in Liverton.

CCXXII. De Virgulto in Engelby. [M. 26[b].]

Sciant omnes, tam pr. quam fut., quod ego, Henricus, Capellanus de Stokesleie, d. et c. et hac pr. c. m. conf. Deo et Eccl. S. P. et S. Hẏldæ de Wẏtebẏ, et mon. ib. Deo serv., in liberam[6] et pur. et perp. elemosinam, virgultum[7] meum quod habui[8] in villa de Engelby,[9] et croftum similiter cum tofto[10] toto versus aquilonem, et totam t'ram meam[11] extra cimiterium, a ponte qui tendit versus Grenehou usque ad viam quæ tendit versus Stokeslei,[12] cum omnibus pert. et aisiam. ad illam terram pertinentibus, i. v. et extra, ad luminarium et scensum[13] inveniendum in Eccl. S. Andreæ de Engelbi.[9] Hiis testibus. Magistro Radulfo de Harabẏ.[14] [Magistro] Hugone.[15] Rogero Arundel.

Henry, chaplain of Stokesley, grants to Whitby his plantation in Ingelby to supply a light and incense for St. Andrew's Church there.

[1] See No. 420. He is a cotemporary of Abbot Roger's. There is an earlier Stephen de Roselles, cotemporary of Adam de Brus.

[2] M. omits *in Domino*.

[3] M. Witeby.

[4] M. Livertona.

[5] M. gives no other witnesses.

[6] *liberamam.*

[7] *meum* supplied from M.

[8] M. habeo.

[9] M. Ingelby.

[10] M. reads as in the text; A. "et toftum similiter cum bulsco."

[11] *meam* supplied from M.

[12] Stokesley.

[13] M. ad incensum.

[14] Hareby.

[15] M. omits "magistro" before "Hugone," inserts "Clerico" after, and gives no more witnesses.

Andrea de Dunesle. Nicholao de Atuna. Adam Barn; et aliis.

CCXXIII. Quieta clamatio Radulfi Nuuel de redditu v Solidorum.

Rad. Nuuel, of York, quit-claims to Whitby a rent of 5s. at Whitby in exchange for a like rent at York.

Omn. Christi fidelibus has litteras vis. vel aud., Radulfus Nuuel de Eboraco, ætern. in D'no salutem. Noveritis me conc. et qu. clamasse de me et hær. meis in perp. Deo et Eccl. S. P. et S. Hyldæ de Wẏteby̆, et Sacristæ ejusdem loci, redditum quinque solidorum de duabus terris in villa de Wẏteby̆—quas, scil., Thomas filius Andreæ et Johannes socius Comitis de me tenuerunt; et totum jus quod in præfatis t'ris habui, in escambium redditus quinque solidorum cujusdam t'ræ in Eboraco in Usegate—quæ scil. jacet (58^{b}) inter t'ram quæ fuit Philippi filii Baldewini et t'ram quæ fuit terra[1] Hugonis filii Leuwini. Et sciendum est quod ego, præd. Radulfus, et hær. mei persolvemus pro præd. t'ra in Usegate Deo et Eccl. S. P. et S. Hẏldæ de Wẏteby̆, et Sacristæ ejusdem loci, xii. d. annuatim ad Pent. in Fisergate apud Eboracum, pro omni servitio et exactione ad præd. t'ram pertinentibus. Hiis testibus. Galfrido de Geddinges.[2] Ada filio Aldani de Scarbur. Alano de Perci;[3] et aliis.

CCXXIV. De decima dominii de Wiltona.

Alan de Ferlington, son of Rad.

Omnibus fidelibus Dei, Alanus filius Radulfi de Ferlingtuna,[4] salutem. Sciatis quod ego reddidi decimam de Wiltuna, quam

[1] *terram.*

[2] He is cotemporary with persons living during 1205-1220. See Nos. 31, 102, etc.

[3] As a cotemporary of the last witness he can scarcely be Alan de Percy le Meschin. Galfrid de Geddinges in No. 102 is co-witness with Ric. de Percy de Dunesley, a great-grandson of William hote Lesgernuns. Probably this is also a great-grandson of the same, the son of William (son of Alan), who died *s.p.*, leaving the Whitby inheritance to his sister Agnes.

[4] An important offshoot of the house of Bulmer. Charlton (p. 93) as precisely and authoritatively as usual, fixes 1136 as the date of this deed, and in this instance it is likely he is not far wrong. In the Gysburne Chartulary (Cott. MSS. Cleop. D. f. 140^{b}) is a charter by Alan de Ferlington, his mother Anfrida, and his wife, whose name is not given, conveying a house "factam ante portam Ecclesiæ" at Gysburne, "ad suscipiendos præ-

pater meus aliquanto tempore detinuit injuste Ecclesiæ S. Petri de Wẏtebẏ, et fratribus ejusdem Ecclesiæ sicut Willelmus de Perci eam dedit eidem Ecclesiæ, et Alanus filius ejus; et illam decimam optuli super altare S. Petri de Wẏtebẏ, multis testibus intuentibus. Eorum nomina hæc sunt:—Edmundus

de Ferlington, restores to Whitby the tithes of the demesne of Wilton, unjustly alienated by his father.

bendarios Ecclesiæ et dividendam elemosinam Canonicorum," and also a carucate of land, on certain conditions (somewhat curious in themselves), Robert de Brus, Agnes his wife, Adam his elder son, William son of the latter, and Robert de Brus, Juvenis, being among the witnesses. The latter, as well as William de Brus, Adam's son, is a grandson of Robert de Brus, then of Danby, the founder of Gysburne, and this fact throws the date of the charter towards the latter part of Robert's life, or to about the time alleged by Charlton. The present charter brings both Alan de Ferlington and his father Radulfus into connection with Wilton as lords thereof—the alienated tithes were the tithes of the "dominium;" and beyond doubt their connection with Wilton originated in their connection, as sub-feudatories, with the Fossards, who held of the Earl of Mortain, not only at Wilton but at Bulmer, Ferlington, Welburne, Lilling, etc., and were succeeded by the Mauleys in the seignory. As to the descent and connection of the Bulmers and Ferlingtons, in a Quo Warranto Roll of 21 Edw. I., is a record of a suit in which John de Bulmer is plaintiff, and the Prior of Helagh Park defendant, touching the advowson of the Hospital of S. Nicholas, Yarm. De Bulmer claims "quod quidam Alanus, antecessor suus, fuit in seisina de præd. advoc., ut de feodo et jure hæred., tempore D'ni Regis Ricardi, etc. . . . Et de ipso Alano, quia obiit s. h. etc., descendit jus cuidam Thomæ ut fratri et hæredi . . . et de ipso Thoma, quia obiit s. h. de se reforciabatur jus cuidam Stephano, fratri cujusdam Alani, avi præd. Alani, ut consanguineo et hæredi. Et de ipso Stephano descendit jus cuidam Johanni, ut filio et hæredi; et de ipso Johanni descendit jus cuidam Johanni ut filio et hæredi; et de ipso Johanne desc. jus isti Johanni qui nunc petit, ut filio et hæredi, etc." We have thus Alan, the grandfather of Alan and Thomas de Wilton, identified as brother of Stephen de Bulmer, the great-grandfather of John de Bulmer, son of John de Bulmer, who, as "consanguineus et hæres," succeeded to the Wilton inheritance on the decease of Thomas de Wilton (a priest), *s.p.* But Alan de Wilton's father was Radulfus de Wilton. Dodsworth gives several extracts from the Chartulary of Helagh, and one three times over (vol. 116, f. 78^b, etc.):—"Alan' de Wilton pro animabus Mariæ uxoris suæ, et Radulfi patris sui, et Ceciliæ matris suæ," his sisters, ancestors, and others, makes grant in Hutton Rudby, etc. We thus have Radulfus (de Bulmer) de Ferlington, father of the grantor of this charter, presumably by his wife Anfrida, and also of Stephen de Bulmer, immediate ancestor of the future John de Bulmer de Wilton. Alan de Ferlington, the said grantor, is succeeded in the lordship of Wilton by his son Radulfus, who drops the title de Ferlington in order to take that of de Wilton, and who in turn is succeeded by his son Alan de Wilton. As to Radulfus de

Presbiter, Walterus de Perci. Robertus filius [T]hurstani. Radulfus de Everlaẏ. Rogerus de Killum; et alii.

CCXXV. QUIETA CLAMATIO DE HALMERIG. [M. 51b.]

Hugo de Altavilla and Johanna, his wife, release to Whitby lands in Halmrig.

Omnibus S. M. Ecclesiæ filiis, ad quos hoc scriptum pervenerit, Hugo de Alta villa et Johanna, uxor ejus,[1] salutem. Noverit univ. v. quod totum jus et clamium quæ habere clamavimus, vel habere debuimus, in Halmerig, quieta clamavimus de nobis et hær. et success. nostris in perp. D'no Johanni[2] Abbati, et Conv. de Wẏtebẏ, pro a. nostris,[3] et pro a. Johannis Arrundel, et antecess. nostrorum. Hiis testibus.[4] Roberto Karleolensi. Galfrido de Gedinges. Rogero Arrundel. Radulfo Ribaldo; et aliis.

CCXXVI. STEPHANUS DE ECCLESIÆ DE ATONA. [M. 16.]

Notum sit omnibus audituris litteras istas, quod ego, Stephanus de Bolemer,[5] concedo et, monumento cartæ meæ,

Wilton, we hear of him in the certificate of fees sent in to Henry II. on occasion of the marriage of his daughter in 1165 (Black Book of the Exchequer):—"Carta Bertram' de Bulmer:—Venerabili D'no meo, etc. Regi Angliæ . . . Radulfus de Wilton, feod. dim. militis tempore avi vestri et modo similiter." This date corresponds precisely with the date affixed to the present deed from other data. It is of course apparent on the face of it, that the Percy fee at Wilton was united with the Bulmer fee in the person of Radulf de Ferlington.

[1] In No. 459, John, Abbot of Whitby, grants to Hugo de Alta villa and his wife Johanna, "totam terram in Kattewick usque Halmerigge," within specified boundaries, and this deed is apparently a release of the lands in question. It is a matter of question who Johanna de Alta Ripa is. It is not possible to think of her as unconnected with the Arundel family. John Arundel's soul is to be prayed for, and Roger Arundel is one of the witnesses. One possibility, if not more than that, is that she was *née* Johanna Arundel, who, it is known, was married twice, and very likely may have been married three times. (See No. 102, etc.) The date, moreover, is perfectly consistent with this supposition, as will be seen in the next note.

[2] Written "hii." No. 459, it is nearly certain, supplies the Abbot's name that should have been written, and as Roger Arundel is a cotemporary of the Prior Laurence of Gysburn (*c.* 1211), the Abbot John then in office was John of Evesham, 1214-1222.

[3] M. omits the entire sentence from "in perp. D'no hii" to "anim. nostris."

[4] M. gives no witnesses.

[5] It is not too clearly apparent how the author of this charter comes to be

confirmo donationem illam Ecclesiæ de Atuna, cum iiii[or] bovatis[1] t'ræ, et mans(ur)is earum, quam piæ memoriæ Robertus de Mainillo et uxor ejus Gertrudis[2] dederunt Eccl. S. P. et S. Hŷldæ de Wŷtebŷ, in lib., qu. et perp. elemosinam. Insuper et ex parte mea supradictæ Ecclesiæ dono et concedo xxiiii acras t'ræ noviter ruptæ, pro s. a. meæ et uxoris meæ, et liberorum et parentum meorum, in lib., qu. et perp. elemosinam.[3] Hiis testibus. Cutberto, Priore de Giseburnia. Herviseo, Priore de Mart(una). Johanne filio Letaldi, Canonico S. Petri. Bertram de Bulmer. Arnaldo de Perci; et aliis.

Stephen de Bulmer confirms to Whitby Robert de Mainill's gift of Aton church, and grants besides 24 acres of newly broken up land.

in a position to grant a confirmation of a benefaction by Robert de Mainill, or to make a further concession of property within the limits of the Mainill barony. As already noticed (Notes to No. 34), Cuthbert, who stands first among the witnesses, had ceased to be prior of Gysburne before 1181, having become prior between 1147 and 1153. All the information we have about Prior Hervisius in Burton, is that he ruled before 1196. His Priory was founded by Bertram de Bulmer, the last named among the witnesses except Ernald de Percy. He was still living in 1163. Ernald de Percy was living in 1165, but, as there is reason to believe, was dead before 1170, for "Adam de Brus r. c. de ccl. marcis pro hæredibus Roberti de Percy, quos habet in custodia sua, pro habenda terra Ernardi de Percy, avunculi eorum" (16 Henry II.). Robert de Percy and Ernaldus were the two sons of Ernald de Percy, who, with him, were witnesses to the Conventio between Gyseburne and Whitby [No. 271]. This would bring the date of the present deed between 1154 and 1170. Now Stephen de Meinill, probably grandson of Robert de Mainill primus — if not, his son — married Sibilla, sister of Stephen de Bulmer, and is said to have died in 1191. There is some uncertainty in the Meinill pedigrees as to which Stephen it was that married into the Bulmer family. But a charter of Robert de Meinill II., on f. 263 of the Gysburne Chartulary, settles the question, inasmuch as the first of the witnesses is "Stephano de Bulmer, avunculo meo." But still, in the absence of any special explanation of the fact, it is difficult to account for the powers involved in the present deed as possessed by merely a brother-in-law of the then baron. Neither is the identification of the Stephen de Bulmer under mention with the Stephen in the notes to No. 224 a matter of certainty. It is probable, perhaps; as also, assuming Dugdale's data to be verifiable and trustworthy, that Bertram and Stephen were contemporaries, possibly brothers. Dugdale makes Bertram de Bulmer Sheriff of Yorkshire in 1140, 115$\frac{3}{4}$ and 116$\frac{4}{5}$, and he makes return of his fees in 1165 as above noticed. Stephen, heard of in 1161,-2,-3, also makes like and independent returns in 1165, and makes payment on them in 116$\frac{7}{8}$, but is succeeded by his son Thomas before 117$\frac{1}{2}$. The whole question requires investigation.

[1] *bovatas.* [2] *Gertui.* M. Gertru.

[3] M. simply inserts "etc." here, giving no witnesses' names.

CCXXVII. Willelmus de Oketun, de uno tofto in Hilderwella. [M. 276.]

William de Octon grants to Whitby for a light before the altar, a toft in Hilderwell.

Sciant qui sunt et qui venturi sunt,[1] quod ego, Willelmus de Ochetun[2] (59), pro animabus patris et matris meæ, et pro me ipso, et pro hær. meis, dedi et pr. c. confirmavi Deo et Eccl. S. P. et S. Hẏldæ de Wẏtebẏ, et mon. ibid. Deo serv., ad luminare coram altari, unum toftum, cum pert. suis, in Hilderwelle, quod optuli super altare S. P. et S. H. de Witebẏ, in lib. et qu. et pur. et perp. elemosinam. Coram hiis testibus.[3] Johanne Arundel, et Stephano nepote Martini; Rogero de Houkesgart, et Reginaldo filio ejus; et aliis.

CCXXVIII. Jordanus de Rauceby de i bovata. [M. 26.]

Jordan de Rouceby grants to Whitby one bovate in Rouceby, without the toft and croft, and less one perch, in lieu of which he gives a perch in Rammesclei.

Sciant omnes, tam pr. quam fut., quod ego, Jordanus de Roucebi, d. et c. et hac pr. c. m. conf. Deo et Eccl. S. P. et S. Hẏldæ de Wẏtebẏ,[4] et mon. ib. Deo serv., in pur. et perp. elem., unam bovatam t'ræ in t'ritorio de Roucebẏ, absque tofto et crofto, excepta una percata t'ræ quam Galfridus Veautrer tenet in maritagio, pro qua dedi eis in escambio unam percatam t'ræ in Rammesclei propinquiorem decem percatis D'ni Comitis Albemarliæ, a crofto Nicholai Fabri usque ad Houtland—illam scil. bov. t'ræ quæ jacet propinquior t'ræ Thomæ filii Martini: Tenendam et hab. de me et hær. meis, ita libere et quiete sicut aliqua elemosina potest, vel potuit, vel poterit dari liberius et quietius ab omni sequela Comitatus et Wapentagiæ, et omnium aliarum rerum pertinentium ad laicam Curiam, cum omn. pert. et libert. suis et aisiam., in bosco et plano, in pratis et pasturis, in introitibus et exitibus, et in omn. locis, et in omn. modis, i. v. et extra, sine retinemento et sine impedimento. Et ego, Jordanus, et hær. mei, warentizabimus Deo et S. P. et S. H. et præd. Mon. de Wẏtebẏ præd. t'ram, et defendemus, de omnibus servitiis et sæcul. exactionibus et demandis,[5] c. o. h. in perpetuam. Hiis

[1] M., in place of this rather unusual phrase, gives "omnes tam præsentes quam futuri."

[2] M. Octona. See Memorial (p. 7), and Nos. 49, 192, 234.

[3] M. gives no witnesses.

[4] M. Whiteby.

[5] *de mandatis.* M. demandis.

testibus.[1] Willelmo Malekac. Adam filio Thomæ. Johanne filio Gilberti. Willelmo filio Alani. Galfrido de Wautrer; et aliis.

CCXXIX. Robertus de Livertona de duabus bovatis. [M. 23.]

Robert de Liverton grants to Whitby two bovates in Liverton, and a toft of four acres, situated as described.

Notum sit omn. S. M. Ecclesiæ filiis, quod ego, Robertus de Livertun,[2] d. et c. et hac c. mea conf. Deo et S. P. et S. Hẏldæ de Wẏtebi,[3] et mon. ib. Deo serv., duas (59[b]) bovatas t'ræ in Livertun[2] juxta alias duas bovatas quas ante eisdem Mon., pro matre mea, concesseram, et unum toftum iiii[or] acrarum juxta domum Warini de la More, via quadam mediante, et t'ram illam quæ est inter aquam de Scineregrive[4] et Scalebec, usque ad semitam quæ venit de Grenerig,[5] et de alia parte de Scalebec inter eandem semitam et t'ram cultam rusticorum usque ad toftum duarum bovatarum prædictarum et t'ram de Luscheldesic,[6] a via maris, usque in Dunscinghalef,[7] in longitudine [a] terra culta usque Scortebuttes,[8] et de eisdem Scortebuttes duas acras juxta viam et terram de Stuntheridighe[9] usque ad semitam quæ venit de Lofthus,[10] in perp. et pur. et qu. elem., et ab omni terreno servitio liberam, pro a. patris mei et matris meæ, et pro salute anima me[æ] et pro[11] [animabus] uxoris meæ et hær.

[1] M. gives no witnesses.

[2] M. Livertona. See Nos. 247, 192, 80, 97, etc. [3] M. Witebi.

[4] M. Scinnergriue. It seems to be impossible now, owing to the change of local names during recent times, to identify the streams here named, or indeed any of the places specified, with rare exceptions. There are two becks which meet at the northern limit of Liverton, one of which is now called Kilton Beck, and the other White Cliff Beck, and which with their united streams flow on to Skinningrove. Scalebeck is probably Kilton Beck, but it is impossible to decide. [5] Grenerig is Gerrick. [6] M. Luskeldsic.

[7] M. Duncilghales. The reading in A. is uncertain. The last letter is inadequately formed: it may be meant for *f*, but, according to the reading in No. 247, no *f* is wanted. The last letter but one is *c*, as also in No. 247. The name is of interest as having the same final element as Streoneshalc.

[8] Short-butts. "*Butts*, a piece of land, usually small and of irregular shape." In a plan or map of Liverton, of about 1730, one small enclosure is called "Butts," and the adjoining one "Longlands Butts," which latter is separated from the field called "Longlands" by a road. This severance of a short end (by whatever means) probably leads to the use or application of the word. [9] M. here reads Scinnergrive again. [10] *Lofthiis*.

[11] M. omits "et pro s. a. meæ et pro," and inserts "et" before "uxoris."

meorum. Coram hiis testibus has præd. t'ras eisdem mon. c. o. h. guuarantizabo:—Roberto filio Willelmi. Willelmo de Herlesei.[1] Roberto de Laceles. Willelmo de Laceles; et aliis.

CCXXX. Idonea uxor Willelmi Lamb.

Idonea, widow of Will. Lamb, grants to Whitby certain land which her late husband had made over to her for 40s., making the same her dowry at the church door.

Omn. Christi fidelibus Idonea, quondam uxor Willelmi Lamb,[2] salutem. Noverit univ. v. me d. c. et hac pr. c. m. conf. Deo et Eccl. S. P. et S. Hildæ de Wẏtebi, et mon. ib. Deo serv., in pur. et perp. elem., pro s. a. d'ni mei, Willelmi Lamb, et pro s. a. meæ, et antecess. nostrorum, illam t'ram quæ jacet juxta t'ram quæ fuit Ricardi de Camera, quam præd. d'nus meus, Willelmus, michi assignavit pro quadraginta sol., de quibus dotavit me ad hostium ecclesiæ de Wẏtebẏ, quietam et liberam de me et de hær. meis in perpetuum. Et si forte contingat quod si aliquis hær. nostrorum præd. terram calumpniare voluerit, præd. quadraginta s., quos percipere pro dote mea debueram, præd. Ecclesiæ de Wẏtebi plene persolvet, et t'ram recipiet sine calumpnia. Et ut hæc mea donatio, concessio et confirmatio rata sit et stabilis, hoc pr. scr. sig. mei impressione corroboravi. Hiis testibus. Thoma de Dunslai, Sacerdote. Mauritio, Sacerdote de Asolbẏ. Willelmo de Foxtun, tunc Seneschallo D'ni Rogeri Abbatis; et aliis.

CCXXXI. Quietaclamatio ii bovatarum in Villa de Suthfeld. [M. 79.]

Roger de Uledene releases to Whitby the land in Suffield which Abbot Peter had given him.

Omn. S. M. Ecclesiæ filiis, ad quos hoc pr. scr. pervenerit, Rogerus de Uledene, salutem. Noverit univ. v. me reddidisse et qu. clamasse de (60) me et de omnibus hær. meis in perp., Rogero Abbati et Conv. de Wẏtebẏ, t'ram illam in villa de Suffeld quam Petrus Abbas de Wẏtebẏ michi contulit pro homagio et servitio meo, si de jure, sine assensu Conventus sui, conferre potuit—scil. illas duas bov. t'ræ, cum omn. pert. suis, quas Radulfus filius Johannis tenuit in v. de Suffeld. Istam vero quietam clamationem fideliter et inviolabiliter observandam affidavi et, tactis sacrosanctis, juravi, pro me et pro hær. meis

[1] M. Herlesaya. Will. de Laceles is omitted.

[2] He is a witness to No. 13.

in perp., et universa munimenta quæ de præf. t'ra habui præf. Abbati et Conv. resignavi et tradidi. Et in hujus quietæ clamationis et resignationis testimonium, pr. scr. sig. mei munimine duxi roborandum. Hiis testibus. Magistro Hugone de Fostun, tunc Officiali Clivelandiensi. Thoma de Houkesgard. Willelmo de Everle. Ric' de Filinga. Rogero de Iretona; et aliis.

CCXXXII. Confirmatio Willelmi de Yrtona de duabus bovatis.

Omnibus has litteras vis. vel aud., Willelmus filius Roberti de Yrtona,[1] salutem. Noveritis me conc. et quietum clamasse et hac pr. c. m. conf. Deo et [Ecclesiæ] S. P. et S. Hyldæ de Wẏtebi, et Conv. ejusdem loci, in lib., pur. et perp. elem. totum jus et clamium quod habui vel habere potui in illis duabus bovatis t'ræ in t'ritorio de Irtona quas Robertus, pater meus, eidem Conv. dedit in lib. pur. et perp. elem., cum illo tofto habente octo perticas in latitudine et in longit. [qui] tendit a via usque Bukeshoudic, quem Astinus filius Regi[naldi] tenet, et qui jacet juxta toftum que[m] Emma vidua tenet versus occidentem, cum omn. pert. suis, in pratis, pascuis et pasturis, et omn. aliis rebus eisdem duabus bovatis t'ræ pertinentibus, i. v. et e., sicut continetur in cart[a] patris mei Roberti, in omnibus et per omnia. Ego vero Willelmus et hær. mei warantizabimus, adq. et def. præd. duas bov. t'ræ, cum omn. pert. suis, præd. Conv. de Wẏtebẏ, de omn. rebus, demandis, placitis et querelis contra dominos et reges et o. h. in perpetuum. Hiis testibus. D'no Gilberto de Atun. Willelmo Buscel. Johanne de Alverstan. Willelmo Malekake; et aliis.

William, son of Robert de Irton, quit-claims and confirms to Whitby his right in the two bovates in Irton given to the convent by his father.

CCXXXIII. Radulfus filius Balduini de Redditu v solidorum.

Omnibus has litteras vis. vel aud., Radulfus filius Baldewini,[2] salutem in D'no. Noverit univ. v. me, ex communi consilio et

Ralph, son of Baldwin,

[1] See No. 168. The witnesses to this deed are the same as those to that just noted, and it has reference to the same land.

[2] See No. 212; cf. also No. 252.

grants to Whitby a rent of 5s. yearly, to be paid by Laurence de Aton.

assensu hær. meorum, d. et c. et hac pr. c. m. conf. Deo et Infirmario S. Hildæ de Wẏtebẏ redditum v. sol. annuatim percipiendorum in festo S. Martini, per manum Laurentii de Atona filii Danielis, quos (60[b]) videl. quinque sol. idem Laurentius michi et hær. meis annuatim reddere tenebatur. Et ut ista mea donatio rata et inconcussa in posterum permaneat, pr. cartam sig. mei appositione corroboravi. Itaque præfatus Laurentius et hær. sui satisfacient Monachis de Wẏtebẏ de hiis quinque sol. reddendis, vel quicumque ei, vel illis, hoc scriptum ex parte Monachorum præd. repræsentabit. Præterea sciendum est quod nec ego, nec hær. mei quicquam de præfato redditu potiturum[1] deinceps a præf. Laurentio, et huic,[2] præstito juramento, tam me quam hær. meos firmiter astrinxi.

CCXXXIV. Quietaclamatio de Sutfiling.

Robert, son of William de Echetun, releases to Whitby the vill of Fyling

with consent of his son and heir, William.

Omn. S. M. filiis, tam pr. quam fut., Robertus filius Willelmi de Echetun,[3] salutem. Sciatis omnes quod ego Robertus, filius Willelmi de Eichetun,[4] reddidi, et optuli super altare de Wẏtebẏ, Deo et S. P. et S. Hildæ, monachisque ib. Deo serv., villam de Fieling, cum omn. pert. suis; et quicquid juris in eadem villa videbar habere quietum clamavi de me et de hær. meis Eccles. de Wẏtebẏ in perp. et lib. elem., concedente et assensum præbente Willelmo filio meo. Insuper, vero, juravi super altare et super omnes sacrosanctas reliquias ejusdem Ecclesiæ me numquam aliquod rectum reclamaturum in prænominata villa de Fieling, neque aliquem per me; et ita renuntiavi juri meo quod videbar habere in illa villa. Et abbas Ric[ardus],[5] ex petitione mea, ibidem coram altari excommunicavit omnes qui antedictam [villam] a dominica mensa alienaverint, vel Ecclesiam de Wẏtebi inde vexaverint, et maxime hær. meos, si umquam contra hoc meum factum venire præsum[s]erint. Hiis testibus. Rogero Sacerdote. Gaufrido,

[1] *pot'ium.* [2] *h'.*

[3] See No. 49, where the name is spelt "Aichetona;" No. 192, where it is "Heicheton;" No. 174, where it is "Ayketon;" No. 150, where it is Aycetun; etc. [4] *Eichetin.*

[5] In No. 49 it is noted that the abjuration took place in the presence of Archbishop Roger (1154-81), but it is not quite certain which Richard was then abbot. Possibly Richard de Waterville (1177-89).

Presbitero Snetuniæ. Radulfo, Presbitero de Wẏtebẏ. Osberto Arundel; et aliis.

CCXXXV. Confirmatio Alani Buscel. [M. 102.]

Omn. fidelibus Dei, Alanus filius Reinaldi[1] Buscel, salutem. Sciatis quod ego dedi Ecclesiæ S. Petri de Wẏtebi, cunctisque ibidem Deo serv., in perpetu[u]m, ecclesiam de Hotona, et quicquid ad eam pertinet, quam ecclesiam pater meus præd. Eccl. S. Petri, longe ante me, pro animæ suæ et animæ meæ, cunctorumque parentum suorum salvatione dederat; et illud donum optuli super altare S. Petri de Wytebi per unum cultellum, et confirmavi coram multis hominibus, qui hujus doni testes sunt. Quorum nomina hæc sunt: D'nus Hugo[2] Archidiaconus; et D'nus Cuthbertus, Prior[3] de Gisburnia.[4] Vincentius, Canonicus de Kircham. Almerus de Bardenai. Goszelinus, Presbiter de Mideltun; (61) et Gervasius Presbiter, nepos ejus. Walterus Blancchabarba. Willelmus de Rudebi. Rogerus, Clericus[5] de Esinctuna; et aliis.

Alan, son of Reginald Buscel, confirms to Whitby his father's gift of Hutton Buscel Church.

CCXXXVI. Walterus de Toutorp de terra in eadem villa. [M. 121.]

Omn. fidelibus ad quos litteræ istæ pervenerint, Walterus filius Roberti,[6] salutem. Noverit univ. v. quod Ace de Lochintun, filius Wymundi de Lochintun, ex consensu et spontanea voluntate mea, conc. et dedit et carta sua conf. Deo et Eccl. S. P. et S. [Hildæ] de Wẏtebi, et mon. ib. Deo serv., in lib. pur. et perp. elem., dimid. carucatam t'ræ in Thouthorph sub Gautris,[7] de tenemento meo quod tenui de præd. Ace, super quam dim. car. t'ræ capitale mesuagium[8] meum situm[9] est in eadem villa; unde et ego, Walterus filius Roberti, homagium et

Walter de Touthorp confirms to Whitby the gift by Ace de Lockington of half a carucate of land built upon by the said Walter,

[1] M. Reginaldi. See Nos. 68, 240-242, etc.

[2] In No. 204 Hugo Archidiaconus is a cotemporary of Archbishop Thurstan's (1114-40), and in No. 253 of Fulco filius Reinfrid, and William Canonicus de Perci. The charter was probably granted early in Prior Cuthbert's incumbency.

[3] *Priore.* c. 1154-80.

[4] M. gives no more witnesses.

[5] *cl're.*

[6] See Nos. 245, 246.

[7] M. Touthorpe sub Gauteria.

[8] *malwagium*; M. mesuagium.

[9] *litum.*

the said Walter holding the said land and rendering homage for it, and paying 6s. yearly rent.

fidelitatem feci præf. Eccl. et Conv. de Wÿtebi, et hær. mei facient in perpetuum—Reddendo inde annuatim, ego et hær. mei, antedictæ Eccl. et monachis de Wÿtebi, vi s., dim. ad Pent. et dim. ad f. S. Martini; quem redditum persolvemus ballivis Abbatis de Wytebi apud Fischergate. Et ego, Walterus, et hær. mei defendemus et adq. prænom. dim. car. t'ræ ab omni consuetudine et exactione sæpedictæ Eccl. et Conv. de Wÿtebÿ. Hiis testibus. Thoma, Capellano de Wÿtebi. Henrico de Fischergate.[1] Prædicto Ace de Lochintun; et Thoma filio ejus; et aliis.

CCXXXVII. Baldewinus de Irtona de vi bovatis in Filing. [M. 80^{b}.]

Baldwin de Irton, with consent of his wife and heirs, gives to Whitby six bovates in Fyling.

Sciant omnes, tam pr. quam posteri, quod ego Baldewinus de Iretun,[2] et uxor mea, et hær. mei, Radulfus et Alanus, conc. et dedimus Eccl. S. Petri et S. Hildæ de Wÿtebi,[3] monachisque ib. Deo serv., sex bovatas t'ræ quas habuimus in Fielinga,[4] una cum homagio Hugonis Brun, qui eandem terram tenebat de nobis, pro s. a. nostrarum, et omn. parentum nostrorum, in lib. et pur. et perp. elem., et ab omni exactione sæculari de nobis et de hær. nostris quietam. Hiis testibus. Hugone Brun de Everlai. Henrico de Sancto Germano.[5] Clemente fratre ejus; et aliis.

CCXXXVIII. De Hod.

Geraldus, D. G. Abbas, totusque Conv. Ecclesiæ S. Mariæ Sanctique Willelmi de Hod,[6] omn. filiis S. Ecclesiæ, salutem. Sciatis nos omnem calumpniam quam habemus super carucatam terræ de Buterwic[7] clamasse liberam et quietam Ecclesiæ

[1] M. gives no further witnesses.

[2] M. Balduinus de Irtona.

[3] M. Witeby.

[4] M. Figelinga.

[5] M. gives no other witness.

[6] Gerold, the abbot, with twelve monks from Furness, disturbed by the Scots, fled to York, and were kindly received by Thurstan, who sent them to Roger de Mowbray, who, in 1138, sent them on to Robert de Alneto, formerly a monk at Whitby, but then living a hermit's life at Hode.—(Burton, p. 328.)

[7] See Nos. 210, 214, 215.

S. Petri de Witebi, cunctisque fratribus ibid. Deo serv. in perpetuum, pro calumpnia quam ipsi habuerunt super locum. Teste. Turstino (61[b]) Archiepiscopo; et Radulfo Episcopo: Willelmo Decano:[1] Galfrido de Cupl[eia];[2] et aliis.

CCXXXIX. Durandus de Clive de terra in Caytona. [M. 106[b].]

Notum sit omn. aud. vel vid. has litteras quod ego, Durandus de Clive,[3] d. et conc. Ecclesiæ de Wyth[by] iiii bovatas t'ræ simul cohærentes in Caitun—scil. illas duas quas Robertus frater meus tenuit, et duas alteras quæ eisdem bovatis quas idem Robertus habuit sunt viciniores, ita libere et quiete de hær. meis tenendas sicut ego melius eas de præd. Ecclesia Wyth[biensi] tenui—videl. reddendo annuatim pro iiii[or] præd. bov. xxxii denarios. Cum autem Abbas aliquid auxilium generaliter de tenentibus suis acceperit, tum pro se supplebunt istæ quatuor bovatæ quantum totidem[4] ejusdem feudi reddiderint. Præterea duas bov. in Kilverdbi, quas Robertus, socer meus,[5] præf. Ecclesiæ vendidit, concedo et confirmo, tenendas de hær. meis tam quiete et libere sicut ipse tenuit de me—scil. faciendo forense servitium. Conc. et confirmo tres acras t'ræ in Sticwaldbut, quarum una est ex mea propria donatione[6] et oblatione, duæ vero ex venditione prænom. Roberti, soceri mei. His autem interfuit Willelmus filius meus, et hæc concessit, et fideliter testis existit. Cæteri autem testes sunt hii: Radulfus Presbiter; Gaufridus Presbiter; et alii.

Durand de Clive (or de Cayton) grants to Whitby two bovates in Cayton with specified services thence due.

CCXL. Alanus Buscel de ecclesia de Hotona. [M. 103[b].]

Notum sit omn. aud. et videntibus has litteras, quod ego, Alanus Buscel, filius Reginaldi Buscel,[7] conc. et dedi in perp. elem. Ecclesiæ S. Hildæ de Wytebi, et mon. ibid. Deo serv.,

Alan, son of Reginald Buscel,

[1] Will. de S. Barbara was Dean in 1138. Elected Bishop of Durham in 1142.

[2] *Coppelay* or *Copley*. See Kirkby's Inquest, *Index Nominum*.

[3] See Nos. 84, 243, 244. The grantor is called Durand de Keithun, or de Chaitun, there.

[4] *cotidem*.

[5] Styled Robert Palmer de Kilverdby in No. 243.

[6] *donationem*.

[7] See Nos. 68, 46, 151, 235, 240-242.

confirms to Whitby the church of Hoton, common rights, etc., but Whitby to pay 10s. per annum to the King's soccage.

pro a. mea, et pro a. patris mei, et matris meæ, omniumque parentum meorum, ecclesiam de Hotuna,[1] cum communi pastura, et cum cæteris aisiamentis t'ræ meæ, lib. et quietam ab omni servitio michi et hær. meis pertinente, exceptis decem sol., quo[s] Ecclesia Witebiensis annuatim persolvet pro omni servitio quod pertinet ad sochagiam Regis. Ego vero et hær. mei eandem car. t'ræ, quæ pertinet ad ecclesiam illam de Hotun, acquietabimus de Comitatu, et de Wapantac, et de omni servitio quod pertinet ad Vicecomitem. Hanc elemosinam super altare S. Hildæ optuli, et hac mea carta confirmavi. Hiis testibus. Radulfo de Everlaie.[2] Hivone[3] ejus filio.[4] Alano de Everlaie. Astino de Houkesgart, et duobus filiis ejus; et aliis.

CCXLI. De dimidia carucata in Hotona. [M. 104.]

Alan, son of Alan Buscel, confirms to Whitby Aza Fitz-Wimund's half carucate in Hoton, also Hoton Church, Westcroft, and the hermitage.

Omn. S. M. Ecclesiæ filiis ad quos litteræ istæ pervenerint, Alanus Buscel, filius Alani Buscel,[5] salutem in D'no. Noverit univ. v. quod ego, Alanus (62) Buscel, conc., et hac c. [mea][6] conf. Eccl. S. P. et S. Hildæ de Wÿtebÿ, et mon. ib. Deo serv., in lib. et perp. elem., illam dim. car. in Hotuna[7] quam Aza filius Wimundi tenuit de patre[8] meo, cum communi pastura et cum communibus asiamentis in bosco, in plano et in mora. Ha[n]c autem prænom. dim. car. t'ræ, cum ecclesia de Hotuna et omn. pert. suis, et cum Westcrofth,[9] et cum heremitorio quod est juxta illud, præd. Ecclesiæ de Wÿtebi conc. et pr. c. m. confirmavi in perp. elem., ita lib. et qu. et plene modis omnibus, sicut continetur in cartis patris mei, Alani Buscel, quas inde habent præd. Monachi de Wÿtebi, pro a. m., et pro a'abus patris et matris meæ et uxoris meæ et hær. meorum, et omnium parentum meorum. Hiis testibus. Thoma Capellano. Mauritio Capellano.[10] Gaufrido Bardh. Johanne Arundel. Rogero de Hugelbardbi; et aliis.

[1] M. Hotona. [2] M. Everlay. [3] M. Ivone.
[4] M. gives no further witnesses.
[5] See last charter, and notes. [6] Supplied from M.
[7] M. Hotona.
[8] See No. 75; as also Nos. 245, 246 for notice of the donations by Aza.
[9] *Uestcrofth*: M. Westcroft. [10] M. gives no further witnesses.

CCXLII. Item Alanus Buscel de Ecclesia de Hotona. [M. 104.]

(62) Omn. fidelibus Dei, tam fut. quam pr., Alanus, filius Reginaldi Buscel, salutem. Sciatis quod ego, Alanus,[1] filius Reginaldi Buscel, dedi Deo et Eccl. S. P. et S. Hyldæ de Wÿtebi, et mon. ib. Deo serv., in elem. perp., pro a'abus patris mei, Reginaldi Buscel, et matris meæ Alice de Perci, et pro a'abus omn. parentum meorum, pro memet[2] ipso, et pro hær. meis, ecclesiam de Hotun, cum omn. pert. suis, cum una carucata t'ræ in eadem villa, quæ eidem eccl. adjacet, lib. et quietam ab omni servitio et exact. et consu[e]tudine sæculari, præter tantum decem sol., quos dabunt annuatim Abbas et monachi de Wytebi ad sochage Regis de præd. car. t'ræ. Hanc vero donationem—scil. ecclesia[m] de Hotuna in Pikiringelit,[3] cum præd. car. t'ræ, optuli super altare S. P. et S. H. de Wÿtebi, [et] hac m. c. confirmavi, coram hiis testibus. Radulfo de Everlai.[4] Ástino de Houkesgard.[5] Ricardo filio Nigelli. Normanno, famulo Regis; et aliis.

Alan, son of Reginald Buscel and Alice de Percy, confirms to Whitby the church of Hotun, etc.

CCXLIII. Confirmatio Durandi de Kaytona de III bovatis.[6] [M. 106.]

Omn. vid. et aud. has litteras, Durandus de Chaitun,[7] salutem. Notum sit vobis quod Robertus, frater meus, illas tres[8] bovatas t'ræ in Kaitun,[7] quas ei pro servitio suo dedi, Monachis de Wÿtebi, assensu meo, pro vi marcis vendidit, et omne jus quod in eadem terra ei competebat illis in perpetuum donavit. Cujus vero donationem et venditionem ego, Durandus de Kaitun,[7] concedo, et præd. t'ram Mon. de Wÿtebi hac mea c. confirmo, (62b) iisdem[9] libertatibus et pactis de me et hær. meis tenendam, quibus ego eandem t'ram de ecclesia Wytebiensi teneo—videl., quod Mon. michi et hær. meis pro eadem

Durand de Cayton confirms to Whitby the sale by his brother Robert of three bovates in Cayton, subject to payment of 2s. yearly,

[1] See No. 240, and notes.
[2] M. me.
[3] M. Hotona in Pikeringelith.
[4] M. Everlay.
[5] M. Haukesgard. No other witnesses named.
[6] This is a verbatim copy of that which in A. stands next after No. 84, but was not printed in sequence there, and is now taken in its order here.
[7] M. Caytona. See No. 239, and notes.
[8] *trias.*
[9] *hiisdem.*

and Tenmantale; confirms also two acres sold to Whitby

terra duos solid. annuatim persolvent, et Themantel,[1] pro omnibus servitiis. Scire vos etiam volo, quod duas acras in illa cultura quæ vocatur Sticwalbut,[2] quas Robertus Palmer de Kilvertbi[3] eidem Eccl. Witebiensi vendidit,[4] et super altare

[1] M. Themantal. "De Frithborgis, et quod soli Eboracenses vocant *frithborch*. Tenmannetale, i.e. 'Sermo decem hominum,' etc."—(Leges Edw. Conf., Thorpe, i. 450, quoted in Kemble's *Saxons in England*, i. 249.) The passage referred to is printed by Stubbs (*Select Charters*, 76, 77), as "edited by Glanvill in the next century, with the legal language adapted to the later period," as follows:—

"XX. *De Frithborgis.* Alia pax maxima est, per quam omnes firmiori statu sustentantur: scil. fidejussionis stabilitate, quam Angli vocant frithborgas, præter Eboracenses qui vocant eam *tenmanne tale*, hoc est, numerum x. hominum. Et hoc est, quod de omnibus villis totius regni sub decennali fidejussione debeant omnes esse, ita quod si unus ex decem forisfecerit, novem eum haberent ad rectum. Quod si aufugeret, et dicerent quod non possent eum habere ad rectum, daretur eis ad minus a Justitia regis spatium xx dierum et unius diei; et si possent eum invenire, adducerent eum ad Justitiam. Ipse quidem de suo restauret damnum quod fecerat, et de corpore suo fiat Justitia, si ad hoc forisfecerit. Si autem infra supradictum terminum inveniri non poterit, quia in omni frithborge unus erat capitalis, quem ipsi vocabant *frithborge heved* ipse capitalis acciperet duos de melioribus de suo frithborge, et de tribus frithborgis propinquioribus vicinis suis accipiat de unoquoque capitalem; et similiter duos de melioribus, si poterit eos habere, et se duodecimo expurget se et frithborgum suum si facere poterit, de forisfacto et fuga supradicti malefactoris—Quod si, etc." *Themanatale* (*Mon. Angl.* ii. 201):—"Et sint quieti . . . de geldis et danegeldis et Themanatale, et concelationibus, et Scottis et auxiliis." "*Tenmantale*, Saxon, *tienmantale*, seu *tienmannatale*, ut est in legibus Edw. Conf., cap. 20, decem hominum numerus; ex Saxon *tien*, decem, *man*, vir; et *tale*, numerus. Sic autem appellabant A.-Saxones securitatem quam decem homines, invicem colligati, qui decanam conficiebant (decaniæ vero decem Centuriam et Hundredum) præstabant Regi de pace ejus observanda; ita ut, si quis eorum forisfecisset, de illius forisfactura cæteri tenerentur, nisi ille judicio stetisset. Res pluribus ibi describitur ut et in fœdere Alvredi et Godrum Regum: Omnes in legibus pareant devote, vel exulentur, et pro exlegibus habeantur, nisi ei obedientes sint, et in Tienmantale, id est (?) per decemvirale numero et fidejussione libera, quod Anglice dicitur Friborg, sint universi; ita quod si unus ex decem forisfecerit, novem ad rectitudinem eum habeant, aut solvant, et restituant damnum quod idem fecit. Meminit istius vocis Rog. Hovedenus anno 1194."—(iii. 242, Rolls Series.) "Constituit sibi dari de unaquaque carucata terræ totius Angliæ duos solidos, quod ab antiquis nominatur Temantale."—(*Ib.* 540.)

[2] M. Stikewalbut.

[3] M. Kilvardebi; A. *Kelvertbi.*

[4] *venditit.*

S. Petri apud Wýtebi optulit, præd. Mon. concedo, et cum tertia acra quam egomet illis duabus in eadem cultura addidi, et quam, cum illis duabus acris, præsente eodem Roberto, homine meo, super altare S. Petri optuli, ista eadem carta mea in perp. et qu. et liberam elem. confirmo. Hiis testibus. Willelmo filio meo. Roberto meo filio.[1] Radulfo Presbitero. Gaufrido Presbitero; et aliis.

by Rob. Palmer de Killerby, and a third given by himself.

CCXLIV. Robertus Roc de iii bovatis in Caytona. [M. 106^{b}.]

Notum sit omn. vid. vel audientibus has litteras, quod ego, Robertus Roc,[2] dedi et pr. c. conf. Deo et Eccl. S. P. et S. Hildæ de Wýtebi, et mon. ib. Deo serv., tres bovatas t'ræ, cum pert. suis, in Kitun,[3] quas abjuravi et quietas clamavi de me et de hær. meis Deo et S. P. et S. Hildæ, et optuli eas super altare de Wytebi in perp. elemosinam: quas tres bov. t'ræ dominus meus et frater meus, Durandus de Kaitun,[3] michi dedit, et ipse eas concessit et conf. præd. Eccl., salvo forensi servitio suo—scil. duos solidos annuatim, et Themantal,[4] quos præd. Ecclesia annuatim persolvet. Hiis testibus. Durando de Kaitun,[3] et Willelmo et Roberto, filiis ejus.[5] Willelmo de Hatun. Willelmo de Houkesgard. Rogero fratre ejus; et aliis.

CCXLV. Ace de Lokingtona. [M. 104^{b}.]

Notum sit omnibus, pr. et fut., quod ego, Ace filius Wimundi de Lochintona,[6] consensu et voluntate hær. meorum, dedi et hac pr. c. mea conf. Deo et Eccl. B.[7] P. et S. Hildæ de Wytebi, et mon. ib. Deo serv., in pur. et lib. et perp. elem., pro a. mea et pro a'abus patris mei et matris meæ, et antecess. meorum, et uxoris meæ et hær. meorum, dim. carucatam t'ræ in Thouthorph sub Gauteris,[8] quam Walterus filius Roberti[9] quondam tenuit

Ace de Lockington confirms to Whitby half a carucate in Towthorpe, which Walter fitz Robert formerly held of him.

1 M. gives no more witnesses.
2 The "Robertus frater meus" of last deed.
3 M. Caytona.
4 M. themantale.
5 M. gives no other witnesses.
6 M. Aza de Lokingtona filiu' Wymundi. See Nos. 75, 173, 236, 246, etc.
7 M. Sancti.
8 M. Touetorp sub Gautris.
9 See No. 534, where Abbot Peter (a. 1190-1211) grants to Walter fitz Robert the half-carucate in Towthorpe, which the said Walter formerly held of Ace de Lockington.

de me, ubi capitale malwagium[1] ejus est in eadem villa, cum omn. pert. suis intra villam et extra. Et ego, Ace, et hær. mei debemus præfatam t'ram warentizar[e] prænom. Eccl. de Wýtebi (63) et mon. ib. Deo serv. c. o. h., et defendere et adquietare ab [o]mnibus servitiis, consuetudinibus et exactionibus, in lib. et pur. elem. nostram. Hiis testibus. Thoma et Mauritio, Capellanis de Wytebi. Rogero de Houkesgar; et aliis.

CCXLVI. Confirmatio Thomæ de Lokingtona de dimidia carucata terræ in Toutorp. [M. 104b.]

Thomas, son and heir of Ace or Aza de Lokington, confirms his father's gift to Whitby.

Notum sit omnibus pr. et fut., quod ego, Thomas, hæres Ace de Lokintun,[2] conc. et hac mea pr. c. confirmavi Deo et Eccl. S. P. et S. Hildæ de Wytebi, et mon. ib. Deo serv., pro a. mea, et pro animabus patris mei et matris meæ et antecess. meorum, donum patris mei Ace de Lokintune—scil. dim. carucatam t'ræ in Toutorp sub Gauteris[3] quam Walterus filius Roberti prius tenuit de Ace de Lokintun, et modo tenet de præd. Monachis de Wytebi. Ego vero et hær. mei warentizare debemus præd. t'ram præf. Mon. c. o. h. et defendere, et adquietare ab omnibus servitiis, consuet. et exactionibus, ut lib. elem. nostram: et [ut] hoc ratum et stabile perseveret, pr. scriptum sig. nostri appositione, et testium subscriptione roboravimus. Hiis testibus. Thoma Capellano, et Mauritio Capellano,[4] de Wýtebi: Rogero de Houkesgard: Johanne Arundel; et aliis.

CCXLVII. Carta de terra de Livertona. [M. 23b.]

Robert de Liverton grants to Whitby specified lands in Liverton.

Notum sit omnibus vid. et aud. has litteras quod ego, Robertus de Livertun,[5] dedi et optuli super altare S. P. et S. Hýldæ de Wýtebý, Monachis[que] ib. Deo serv., in perp. et pur. ac lib. elem., totam illam t'ram in plano et bosco quæ est inter aquam de Schinnegrive[6] et aquam de Scalebec usque ad semita[m] de Grenerig, quæ semita venit de Schinnegrive[6] ad

[1] M. Mesuagium. See No. 236, and notes.
[2] M. Ace de Lokintona. See last deed, and notes.
[3] M. Touetorp sub Gautris.
[4] M. gives nothing further.
[5] M. Robertus de Livertona. See No. 229, and notes.
[6] M. Scinnergrive.

Scalebec; et illam t'ram de Lusekeldesic a via maris usque in Duncildehalc,[1] et a t'ra culta quæ prius fuit Monachorum usque ad Scortebutes,[2] et unum toftum de duabus acris propinquius Warino penes moram, excepto uno dumtaxat tofto qui interjacet, cum communi pastura et cæteris aisiamentis villæ; tali conditione quod Willelmus filius Roberti, et, post eum, hær. sui universas t'ras illas tenebunt de præf. Eccl. Wẏtebẏensi in feudum et hæreditatem perpetuam—Reddendo annuatim prænom. Ecclesiæ de Wẏtebẏ, ad Vincula S. Petri, duas libras incensi, pro omnibus servitiis. Hiis testibus. Henrico de Percy.[3] Petro de Bradelai.[4] Ricardo. Rogero filio Willelmi; et multis aliis.

CCXLVIII. Carta Everardi de Ros de duabus carucatis terra in Brinigestona.[5]

(63b) Everardus de Ros, Roberto fratri suo,[6] et omnibus paren-

[1] M. Duliciildehalc. In A. the name looks rather like Duliciildehalc; but there can be little doubt that the letter is *n* and not *li*.

[2] M. Scortebuttes.

[3] The witnesses' names are all in the nominative. Son of Alan de Percy and grandson of William Asgernons.

[4] M. Bradelay. No other witnesses.

[5] These are necessarily the two carucates in Briningeston (or Burniston) given to the renascent monastery by King William, and repeatedly confirmed by his successors, and which, of equal necessity, had been granted in fee to the author of this deed at a very early period, inasmuch as the present deed of release must date as far back as 1150-1160, or thereabouts, at the latest, the names of the witnesses being a sufficient attestation to that fact.

[6] Dugdale throws no light upon the identity of the grantor. He speaks of Peter, "the ancestor of the great and noble family" of Ros or Roos of Hamlake, and of his benefaction to St. Mary's Abbey at York, his marriage, etc., and then proceeds to his son Robert, who, as he states, in 3 Henry II. (115$\frac{6}{7}$), gave to the King 1000 marks for livery of the lands of Walter Espec, of his mother Adeline's inheritance. Naming Robert de Ros' wife, Sibylla de Valoines, he simply says he left by her a son and heir, Everard, who was a minor at his father's death, and a ward of Ranulph de Glanvill in 12 Henry II. He held of the King eight knights' fees and a half, and in 22 Henry II. paid a fine of £526 for his lands, etc. This, of course, throws him much too late to admit of identification with the present grantor. The most probable assumption is that, besides Robert, Peter had another son, Everard, and that the Everard and Robert of the present deed are the said two sons. The probable, or rather approximate, date of the deed, so far from being inconsistent with such a theory, lends much probability to it.

Everard de Ros releases to Whitby two carucates in Burniston which he had held of the convent.

tibus et amicis suis, salutem. Sciatis me dedisse et reddidisse, et liberas et quietas concessisse de me et omnibus meis hær. illas duas carucatas t'ræ in Bruniestou quas tenebam de Deo et Eccl. Wẏtebiensi, fratribus(que) in eadem Eccl. Deo serv., in perpetuo possidendas; et unum hominem, nomine Normannum de Brochesseie, cum tribus bovatis t'ræ, et cum eodem servitio quod michi facere solebat, ita libere sicuti eum tenebam. Et ea conditione et conventione illam suprafatam[1] t'ram Ecclesiæ reddidi, ut nullus a dominica mensa illam auferret. Et insuper dedi maledictionem meam omnibus hiis qui de illa t'ra injur(i)am et violentiam Ecclesiæ et fratribus facient. Et Abbas et totus Conv. similiter fecerunt. Hujus rei testes sunt—Aschetillus de Houkesgard. Reginaldus de Snetuna. Robertus de Livertun; et Godefridus frater ejus; et alii.

CCXLIX. Cecilia Punchardun de terra in Eboraco. [M. 117b.]

Cecilia de Punchardun grants to Whitby all her land in Fishergate, York.

Omnibus has litteras vis. vel aud., Cecilia[2] de Punchardun,[3] salutem in D'no. Noverit univ. v. me d. et c. et hac pr. c. mea conf. Deo et Eccl. B. P. et S. Hildæ de Wẏtebi, et mon. ib. Deo serv., totam t'ram meam de Fiskergate[4] in Eboraco, cum omn. pert. suis et libertatibus, quam ego et antecessores mei tenuimus de eisdem Monachis. Ego vero, Cecilia, et hær. mei, præd. t'ram præfatis Mon. warantizabimus c. o. h. in perpetuum: et ut hæc mea donatio firmitatem habeat perpetuam, pr. scr. sig. meo signatum[5] sæpedictis Mon. tradidi in testimonium. Hiis testibus.[6] Laurentio, quondam Priore de Gisebur(nia). Radulfo Nuuel de Eboraco. Henrico de Pusat. Helia Flur. Benedicto filio Arnaldi; et aliis.

CCL. Helyas, servus Decani, de redditu vi denariorum.

Sciant omnes, tam pr. quam fut., quod ego, Helẏas, serviens Heliæ quondam Decani de Ridale, d. et c. et hac pr. c. m. conf.

[1] *Suprafate'am.* [2] *Ecc'a.*

[3] A Roger de Punchardun is witness to a release of the hermitage, situate in Helagh Park, by Prior Henry of Marton, dated 1203. Laurence was Prior of Gysburne *c.* 1211, says Burton, and he was "quondam prior" 1219-1223. Cecilia of this deed was probably connected with the said Roger.

[4] M. Fischergate. [5] *Signato.* [6] M. gives no witnesses' names.

Deo et Eccl. S. P. et S. Hyldæ de Wyteby, et Elemosinario ejusdem Ecclesiæ, vi den. ann(u)os de t'ra illa quam idem Helias, d'nus meus, michi dedit pro humagio et servitio meo percipiendos—scil. tres den. ad Pent. et tres den. ad f. S. Martini. Et ut hæc mea donatio firma et stabilis permaneat, eam sacramento corporaliter præstito pro me et pro hær. meis, et sigilli mei munimine corroboravi. Hiis testibus. Thoma Capellano. Magistro Hugone de Fostuna. Roberto de Bedingham; et aliis.

CCLI. Robertus Fossard de terra de Butterwic.

(64) Robertus Fossarth,[1] omn. fidelibus Dei, salutem. Sciatis me concessisse S. Petro de Wytebi, cunctisque fratribus ib. Deo serv., illam carucatam t'ræ de Butteruic, quam Durandus,[2] homo meus de Butteruic, dedit S. Petro de Wyteby, liberam et immunem ab omni servitio quod ad me pertinet. Hæres autem Durandi omne servitium pertinens Regi pro illa faciet, absque danegeld: et illud donum optuli per unum baculum, una cum Geffrido, hærede Durandi, super altare S. Petri in Wyteby. Et hujus doni sunt testes—Ricardus de Perci,[3] et Alexander filius ejus. Ascheutinus de Houkesgard; et alii.

Robert Fossard confirms to Whitby a carucate of land at Butterwick, given by Durand de Butterwick.

CCLII. Laurentius de Atona de redditu v solidorum.

Sciant omnes, tam pr. quam fut., quod ego, Laurentius, filius Daniel de Atona,[4] et hær. mei tenemur solvere annuatim Firmariæ Abbatiæ de Wyteby quinque solidos ad f. S. Martini, per assignationem Radulfi filii Baldewini, d'ni mei, de illis x solidis quos ego solebam reddere annuatim eidem Radulfo pro vii bovatis t'ræ in Atona, quos v sol. idem Radulfus dedit præd. Firmar[i]æ in perp. elem., percipiendos annuatim ad præd.

Laurence, son of Daniel de Aton, binds himself to pay to the Infirmary of the Abbey 5s. yearly.

[1] See Memorial (p. 7). See also Nos. 69, 79, 92. There can be little doubt that this is Robert Fossard, son of Nigel Fossard. There is another Robert Fossard, son of Adam, author of a charter preserved in York Minster Library, no doubt a cadet of the same family.

[2] See No. 214, etc.

[3] Probably Richard de Percy de Dunsley, no other Richard de Percy being known as living at the date of this deed, or cotemporary with Ascatin de Haukesgarth, in which case Alexander's name may be added to those of William, Celestris, Cristina, all mentioned in No. 74 as children of Richard de Percy.

[4] See No. 233, and also No. 212.

terminum de me et de hær. meis in perpetuum. Et hoc me fideliter in perpetuum observaturum pro me et pro hær. meis affidavi. Hiis testibus. Waltero de Bovinctun. Gilberto de Atona. Alano Buscel. Gervasio de Prestona. Magistro Waltero de Driffeld; et aliis.

CCLIII. Fulco filius Raynfredi de ii carucatis terræ in Thoulestona. [M. 120.]

Sciant omnes aud. et vid. has litteras, quod ego, Fulco filius Revnfredi,[1] una cum consensu et licentia d'ni mei, Osberni de Arches, concessi et per unum baculum super altare optuli Deo et fratribus Wytebiensis Ecclesiæ duas carucatas terræ in Tolestuna,[2] pro s. a. meæ et pro a'abus omnium parentum meorum, liberas et quietas ab omni servitio, in perp. elemosinam. Quare præcipio omnibus hominibus meis ut manuteneant hanc elemosinam meam, quam ita volo esse liberam et quietam sicut aliqua elemosina potest esse liberior et quietior de omni forinseco servitio. Huic dono interfuerunt, et sunt testes—Willelmus Canonicus de Perci.[3] Harundel, et Johannes filius ejus. Hugo Archidiaconus; et Picot de Perci; et alii.

CCLIV. Carta Walteri, Capellani de Snetona.

Walter, chaplain of Snetun, engages to indemnify Whitby in case of any loss consequent on their grant of certain lands in Sneton to him.

Omn. Christi fidelibus has litteras vis. vel aud., Walterus, Capellanus de Snetona, s. in D'no. Noverit univ. v. quod, si ego vel atornati mei, aliquo casu contingente, t'ram quam domini mei, J[ohannes][4] Abbas de Wẏtebi et Conv. ejusd. loci michi dederunt et concesserunt de eis tenendam pro annua firma vi d.—scil. t'ram quam Johanna[5] filia Reginaldi Arundel dedit Ecclesiæ de Wẏtebẏ (64[b]) in puram elemosinam, amiserimus, nullum ab eis petemus[6] exscambium; et ne ipsi possint aliquo tempore super hoc, vel per me vel per meos successores,

[1] See Nos. 88, 89. [2] *Colestuna.*

[3] M. gives no witnesses after William de Percy the Canon. See p. 81, note.

[4] There is no uncertainty about filling up the name here (the initial only being given), inasmuch as all the witnesses after the first are men known as cotemporaries of Abbot Roger, and in the earlier part of his incumbency. Abbot John de Evesham (1214-1222) was Roger's immediate predecessor.

[5] See No. 102, etc. [6] *potemus.*

inquietari vel dampnificari,[1] pr. scripto sig. meum apposui. Hiis testibus. Ricardo de Perci de Dunesle.[2] Richero[3] de Filing. Thoma de Houkesgard. Willelmo de Houkesgard.[4] Petro de Neuham; et aliis.

CCLV. Carta Abbatis de Riewalle de terra in Eboraco. [M. 125b.]

Notum sit omnibus ad quos hoc scriptum perv., pr. et fut., ita convenisse inter P[etrum][5] Abbatem et Conv. de Wytebi, et G[uarinum][6] Abbatem et Conv. de Rievalle—scil. quod præd. P[etrus] Abbas et Conv. de Wẏtebẏ, intuitu karitatis et fraternæ dilectionis, concesserunt et carta Ecclesiæ suæ confirmaverunt præd. G[uarino] Abbati et Conv. [de] Rievalle illam dimidiam toftam quam Willelmus Cordarius filius Lessing, de Ecclesia de Witebi tenuit in Fischergate, tenendam de Eccl. de Wẏtebẏ in perpetuum pro xiiii denariis annuatim inde solvendis Abbati de Wẏtebẏ vel ejus ballivis, apud Fischergate, pro omn. serv., consuet. et exactionibus, et ii. d. de husgable Regi, ad hos terminos—ad Pentecosten scil. vii. d. et ad f. S. Martini vii. d. Et hoc scriptum in duas partes dividitur, dependente sigillo Abbatis et Conv. de Wẏtebẏ in partem Abbatis et Conv. [de] Rievalle, et depend. sig. Abbatis et Conv. [de] Rievalle in partem Abbatis et Conv. de Wẏtebẏ. Hiis testibus. Elia, Capellano de Edestona. Magistro Augustino. Galfrido Cardun; et aliis.

CCLVI. Rogerus Mubray de vi bovatis terræ in Torp.

Rogerus de Moubrai,[7] omn. hominibus suis, Francis et Anglis, salutem. Notum sit vobis et omnibus vid. vel aud. has litteras, Roger de Mowbray

[1] *dampnifricari.*

[2] Richard de Percy's (son of William hote Lesgernuns) son William speaks of Bartholomew and Hugo as his heirs (No. 74). The family probably descended through Hugo, and this Richard, in that case, must have been Hugo's son.

[3] *Richerero.* Richer, the father of Richard, whose name appears so often in these deeds.

[4] *Houkesgarc.*

[5] From before 1190 to 1211. This deed is repeated in No. 388.

[6] Ob. c. 1211.—(Burton's *Mon. Ebor.*) See No. 382.

[7] Nigel de Albini, by the mother's side a Moubray, came into England

grants to Whitby all the tenements formerly held of him by Reginald le Poer, viz. six bovates in Thorp and four mansuræ in York.

me conc. et dedisse Eccl. de Wŷtebŷ, et mon. ib. Deo serv., in lib. et perp. elem., totam tenuram quam Reginaldus Puer[1] de me tenuit, et quam reddidit et reliquit[2] in manu mea—scilicet vi bov. t'ræ in Thorp, et iiii^or^ mansuras in Eboraco—tres, scil. in Sceldergate, et unam super ripam fluminis Usæ, ubi ipse manebat. Hæc autem dedi eis pro a. patris et matris meæ, et pro s. mea, et filiorum meorum, in exscambium dimidiæ carucatæ, unde habent cartam patris mei. Reginaldus[3] autem Puer vendidit Ecclesiæ præf. de Wŷtebŷ totum jus quod habuit in præf. t'ra, et reliquit[2] michi ad opus illorum, et ego reddidi eis, et saisivi per idem lignum per quod et recepi[4] illud. Hiis testibus. Nigello filio Ivonis. Hugone Malebisse, Dapifero. Roberto de Daievilla; et aliis.

CCLVII. Idem super eodem. [M. 115^b^.]

Roger de Mowbray confirms to Whitby certain lands, etc., formerly held by Reginald le Poer.

(65) Archiepiscopo Eboraci. et Capitulo S. Petri, et omnibus qui has viderint vel audierint litteras, Rogerus de Mulbrai,[5] salutem in Christo. Sciatis omnes me dedisse et per hanc meam c. conf. Deo et S. Hŷldæ de Wŷtebŷ, et mon. ib. Deo serv. t'ram quam Reginaldus Poer de me tenuit in Thorp—scil. vi bovatas t'ræ, cum prato ad eas pertinente, et cum communi aisiamento ejusdem villæ; et iiii^or^ mansuras in Eboraco—tres, scil., in Sceldergate,[6] et unam super ripam fluminis Usæ; [pro][7] a. mea et pro a'abus hær. et parentum meorum, in lib. pur. et perp. elem., ab omni servitio et consuet. et exact. sæculari quietam, ut

with the Conqueror. He married, first, Maud, daughter of Richard de Aquila; second, Gundreda, daughter of Gerald de Gournay, in 1118. By her he left issue Roger, who was still in his minority in 1138, but yet was present at the battle of the Standard. He was taken prisoner at the battle of Lincoln in 1142. In 1148 he went in crusade with King Lewis. In 1166 he was certified as holding eighty-eight knight's fees, together with one third, and one fourth, "de vetere feoffamento," and eleven and three quarters "de novo." The date of his death seems to be uncertain. By his wife Alice de Gant he left two sons, Nigel and Robert.—(Dugdale, i. 122 *et seq.*) See Nos. 257-259, 149, 82. 281, 282.

[1] The name is variously spelt (See Memorial, p. 6) Poer, Poherius, Puer, Poher, etc.

[2] *reliquid.*

[3] *Rogerus*, but evidently by an error.

[4] *recipi.*

[5] M. Mubrei: A. *Mu'brai.*

[6] M. Skeldergate.

[7] A. omits "pro," inserting "et" in its place.

ego et hær. mei in vita et in morte specialiter simus in orationibus eorum. Ego autem et hær. mei hanc elem. et donationem prænom. Mon. de Wÿtebi warantizabimus c. o. h.; et si, aliquo casu, eam illis non poterimus warantizare, dabimus illis exscambium ad valentiam. Hiis testibus. Willelmo de Steinegrive.[1] Rogero de Flamevile.[2] Waltero de Templo. Waltero de Turchelbi. Waltero de la Rivere; et aliis.

CCLVIII. Idem super eodem.

Rogerus[3] de Molbrai, constabulariis suis et dapiferis et baronibus, et omn. hominibus et amicis suis, Francis Anglicisque,[4] de Eborascira, salutem. Sciatis me dedisse et conc. Reginaldo Pouherio mansuram quam Herbertus Pincerna in Eboraco tenebat, et dimid. caruc. t'ræ in Thorp, quam præd. Herbertus tenebat in feudo et hæreditate, et hær. suis, sol[ut]am, lib. et quietam, cum omn. rebus t'ræ præd. pert., et cum omn. consu[e]tudinibus liberis, et per servitium unarum caligarum de scarlet annuatim reddendarum. Teste. Willelmo de Archis. Herberto Quonigbur.[5] Willelmo Malebisse;[6] et aliis.

CCLIX. Rogerus de Mubrai de terra in Eboraco.

Rogerus de Molbreio et Gundrea, mater ejus, omn. fidelibus S. Ecclesiæ, salutem. Sciatis nos dedisse et conc. Cœnobio S. P. et S. Hildæ de Wÿtebi, unam masuram t'ræ in Eboraco—scil. illam quam Willelmus Plantepholia tenet, reddentem unoquoque anno redditum iii s., in perp. pro s. a. nostrarum et amicorum nostrorum, et propter calumpniam quam habebant apud Ecclesiam S. Willelmi de Hod,[7] libere et quiete et honorifice. Teste—Turstino Archiepiscopo;[8] et Radulfo Ep'o;[9]

[1] M. gives no more witness.

[2] The reading here is Flamelive; clearly an error for Flamevile. Roger de Flammavilla appears as witness in No. 82; and, in No. 285, the name is Flamevile.

[3] *Rogero.* [4] *Francisque Anglicis.* [5] Queingburc in No. 82.

[6] This is an early Will. de Malebisse. The William of Nos. 112, 141 is a cotemporary of Gregory de Levingthorp, in the earlier part of the thirteenth century.

[7] Written "hot." [8] 1114-1140.

[9] Doubtless Rad. Flambard, Bishop of Durham 1099-1128.

et Willelmo Decano; et Gaufrido Turcopula; et Bertramo Agat; et Rogero Diacono; et aliis.

CCLX. Pagana de terra in Eboraco.

Pagana, with her son William the Canon's assent, grants to Whitby a mansura in Blake Street, York, on conditions.

(65^{b}) Sciant omnes audientes has litteras, quod ego, Pagana,[1] dedi, concedente filio meo, Willelmo Canonico, unam t'ram in Blaicastret[2] juxta Monast. S. Wilfridi in Eboraco, in perpetuum, Ecclesiæ S. P. et S. Hildæ de Wŷtebŷ, eo pacto ut essem particeps omnium beneficiorum ejusdem Ecclesiæ, et ut haberem procurationem unius monachi, et unius famuli, cunctis diebus vitæ me[æ]; et ut Abbatia ejusdem loci michi inveniret vestimenta necessaria in primis duobus annis, et Willelmus filius [meus] in sequentibus duobus annis, et sic alternatim, per binos et binos annos, cunctis diebus vitæ meæ. Sed si filius meus Willelmus moriretur[3] ante me, vel mutaret vitam, tunc ex toto a præd. Eccl. vestirer. Hujus conventionis testes sunt —Willelmus Decanus, et Capitulum S. Petri;[4] et ad istud donum, et ad saisionem hujus doni fuerunt testes:—Thomas Sottaygina. Outhen. Vocabrus. Ramchil. Rogerus Clericus; et alii.

CCLXI.

Nigel de Albini restores to the Cell of

Thomæ,[5] venerabili Archie'po Eboracensis Ecclesiæ, et Romero,[6] d'no suo et amico, et omn. S. Dei Ecclesiæ cultoribus, et amicis suis, Nigellus de Albini,[7] salutibiles famulatus. Notum

[1] In the Memorial (p. 6) Hugo filius Willelmi filii Tostini is named, the following sentence being "ex dono Paganæ, matris præd. Willielmi, unam mansuram juxta Eccl. S. Wilfridi in Bleikestrete," the aforesaid William being of course the Will. Canonicus mentioned in this deed.

[2] M. Blaikstrete.

[3] *moreretu r.*

[4] What follows is all omitted in M., except "et aliis."

[5] Written *Johanni*, which of course is an error. There can be no doubt that Thomæ is the right reading, Thomas II., nephew of Archbishop Thomas of Bayeux, being the immediate predecessor of Thurstan in the see of York, reigning from 1108 to 1114. His name appears first in the list of witnesses, Rad. Flambard, Bishop of Durham, being next in order.

[6] Written *Komero*. See No. 29.

[7] This deed is one of great interest, not only as indicating the habitation of Prior Serlo after he retired from Whitby (see Introductory Chapters), but as formally recording one of the acts of restitution specially commended to

sit tam. fut quam pr., quod ego reddidi Deo et Ecclesiæ Omn. Sanctorum dimid. carucatam t'ræ in Thorp, cum ospitibus qui in ea sunt—scil. Ecclesiæ quæ est in Fisergate apud Eboracum, quam volo ut Serlo Prior habeat, et alii monachi ejusdem loci. [Testibus] vobis—Thoma; et Ranulfo, Dunelmensi Ep'o; et Ricardo, S. Albani Abbate; et Guidone, Capellano meo; et aliis.

Fishergate and Prior Serlo, half a car. of land in Thorp.

his brother's attention by Nigel de Albini in the remarkable deed printed in Surtees' *Durham*, iii. 395, part copy of which is here appended:—"Karissimo fratri suo Willelmo, Nigellus de Albini, salutem et fraternam dilectionem. Ex quo nati fuimus utque vos de mea necessitate et auxilio, et me de vestris fatis exoratos existimo. Precor, igitur, frater karissime, ut cum, per Dei misericordiam, naturali et carnali vinculo couniti simus, hoc alter ad alterum, cum necessitas evenerit, in op(er)ibus ostendamus. Ecce, frater karissime, peccata mea maxima et iniquitates Dei misericordia diutius tolerare non valens, flagella justitiæ suæ carni meæ miserrimæ misericorditer admovit, ne per peccatricem insolentiam anima mea æternam mereretur Gehennam. Ego siquidem, qui in prosperitate mea melius facere potuissem, vos, quam super omnes diligo, honoris mei et rerum meorum constitui hæredem—eo videl. tenore, ut redditiones terrarum quas ego Eboracensi et Dunelmensi feci Ecclesiis, pro salute animæ meæ et redemptione peccatorum meorum, et quia ipsæ terræ Ecclesiis illis jure adjacent, reddidi et concessi, et donationes terrarum quas ego S. Becensi Ecclesiæ, et Abbatiæ S. Albani, et monasterio S. Pancratii, et Abbatiæ S. Mariæ de Ebor, et Abbatiæ S. Germani de Salebi, et redditiones terrarum quas hominibus meis quos exhæreditaveram feci, et escambia quæ pro terris illis hominibus meis quibus eas dederam reddidi, nullo modo violare presumatis, set ut donatio mea firma sit et stabilis nostris juribus et omnium amicorum nostrorum faciatis." He then proceeds:—"Terræ autem quas ego reddidi Ecclesiis hæ sunt: Ebor' Ecclesiæ, Helprebi, . . . Hospitio pauperum fratrum ejusdem Ecclesiæ, ii car. t'ræ in Hameseie," and then after specifying a number of others, he comes to "Sarloni Monacho dimidiam caruc. t'ræ; Abbatiæ S. Mariæ Ebor. molendina illa," etc., while lower on he proceeds to take order about the lands to be given in lieu of the said restored lands to their present holders:—thus, "Willelmo filio Warini dedi Torntun, cum iiii car. t'ræ et dim. et cum hominibus qui in eis sunt, propter illas ii. car. t'ræ et dimid. quas ipse reddidi elemosinariæ S. Petri et Sarloni Monacho." From the coincidence of the name Sarlo or Serlo, mentioned in connection with the York restorations, the quantity restored, and the fact of the "redditio," there can be no doubt that the present deed is the formal instrument of the said restoration. Unfortunately, nothing remains to testify to the original grant, or the mode or occasion of the alienation. The brother William, to whom the deed extracted from is addressed, is, it is needless to say, Nigel's elder brother, William de Albini Pincerna.—(Dugd. i. 118.)

CCLXII. [M. 17b.]

Gernagot the Canon gives himself to Abbot Richard with a moiety of his land nearest the Minster.

Omn. S. M. Ecclesiæ filiis, tam pr. quam fut., Gernagotus,[1] Eboraci Canonicus, salutem. Notum sit vobis quod ego, Gernagotus, qui meipsum reddidi Abbati Ricardo[2] et Eccl. S. P. et S. Hyldæ de Wyteby, dederim eidem Eccl. pro s. a. meæ, in elem., perpetuo[3] jure libere possidendam, medietatem t'ræ meæ quæ est juxta Ecclesiam S. Petri Eboraci—illam scil. mediet. quæ propinquior est eidem Ecclesiæ et adjacet mansuræ Willelmi, filii nostri:[4] quam donationem meam pr. carta testatur. Cujus hii testes sunt. Willelmus filius Tostini.[5] Paulinus, Episcopi filius.[6] Walterus filius Faganulfi. Normannus Presbiter. Rogerus et Robertus Ruffus; et alii.

CCLXIII. Carta Aschatini de Houkesgarth.

Willelmus,[7] D. G. Abbas Wytebyensis, ej(us)demque Ecclesiæ Conv., univ. Ecclesiæ filiis, salutem. Sciatis nos, communi consilio totius Capituli nostri, concessisse Ascatino, filio Willelmi,[8] et hær. suis, in feudo et hær., Houkesgarth (66) et Normaneby pro Neweham[9] in escangia, cum omn. suis pert., in bosco, in plano, in pratis, in aquis, in pastura: Eo pacto dedit Ascatinus duas carucatas boum, et unum hercatorium ingressum,[10] reddendo unoquoque anno xxiiii s. et duas precationes—

[1] See Memorial (pp. 5, 6), three "mansuræ" at York being specified in the first place cited, as of his gift, and a fourth in Stonegate in the second. The latter, doubtless, is connected with the subject of the present deed. See No. 149.

[2] Richard de Burgh (1148-1175).

[3] M. perpetuam.

[4] M. Tosti, which perhaps may be the true reading, as there is scarcely any ground for supposing "nostri" could really have been meant.

[5] M. omits "filius Tostini."

[6] M. gives no more witnesses.

[7] William de Percy first Abbot c. 1109?—? 1125.

[8] See No. 220.

[9] Now Hawsker, Normanby, and Newholm—as the latter is most incorrectly written. Hawsker and Normanby are adjacent on the Fylingdales side of Whitby, but Newham on the other side of the Esk, in the Mulgrave direction.

[10] Neither Young nor Charlton is able to throw any real light on the nature of this concession. It would appear that Ascatin was in some shape, or to some extent, benefited by the transaction, and that the "ii carucatæ boum et i hercatorius ingressus" were an acknowledgment on his part, rendered at once, and unconnected with the two yearly "precationes" or

unam de carrucis, alteram de messoribus, pro omnibus servitiis, liberas et quietas tenendas de nobis. Hujus cartæ testes sunt: Alanus de Perci;[1] Johannes Arundel; Gilebertus filius Fuche;[2] Ricardus de Lindesai; et alii.

CCLXIV. Carta Willelmi de Everle. [M. 49b.]

Notum sit omnibus aud. et vid. has litteras, quod ego, secundus Ricardus,[3] Abbas de Wẏtebẏ, assensu totius Capituli nostri, concessi et reddidi Willelmo [d]e Everle[4] et hær. suis, in feudum et hæreditatem, Ugelbardebẏ et Everlaẏ,[5] cum omn. pert. suis, de nobis tenendas—Reddendo annuatim xi s. et unam precationem in Augusto de vi decim hominibus in Ugel-

"boon days." Under the circumstances—an exchange of lordship—Charlton's supposition (p. 78) that the former term means "two ox-gangs of land" is clearly inadmissible, and his gratuitous supposition that "hercatorium" is a mistake for "hermitorium" (*ib.*, note) no less so. Young (p. 302, and note) supposes *carucata boum* may be a team of oxen, and *hercatorius ingressus* a gang or set of harrows, but he is not satisfied with either suggestion.

1 Alanus Magnus, son and heir of William Asgernuns.

2 A form of Fulco, not without interest; the next witness is witness to No. 88, a charter by Fulco Dapifer.

3 Richard de Waterville, 1177-1189.

4 There is some uncertainty as to the connection of this lord of Everley with his predecessor or predecessors. There is reason to believe that Radulphus de Everlay, some notice of whom, in connection with the legendary story of William de Percy's alienation of the lands of Everley from the new monastery, in order that he might bestow them on his esquire, is taken in the Introductory Chapters, was the first lord of Everley under the restored abbey. His name appears as that of a witness to several of the earliest documents in the Chartulary (Nos. 224, 240, 242, 405), and in the second of these the name of "Hugo ejus filius" follows his, and is itself followed by that of Alanus de Everlaie. Certainly it does not follow that Hugo was his eldest son, any more than does the relationship of Alanus de Everlaie. Assuming 1130-5 to be the probable date of the charter in question, it is possible, though not perhaps altogether probable, that the William de Everlay of this deed is the grandson of Radulfus. Be that as it may, he is the first of a series of Williams de Everley. A second, probably his son, is a cotemporary of Abbot Roger (1220-1244). In Nos. 20, 21, dated 1311, we meet with another William de Everley, with a son and heir, also William de Everley. Between the cotemporary of Abbot Roger and the elder of these two there is room for an intermediate generation, possibly two. M. reads Everley for our Everle.

5 M. Ugelbarby et Everley.

bardebẏ, et viii in Everlay, et faciendo partem suam in Horngard.[1] Excipimus autem hoc, ex consensu Willelmi, quod retinemus in manu nostra medietatem partis suæ de Ybrun, a Burstadgile[2] usque ad finem in Suth: ille vero Willelmus medietatem suam libere, ad libitum suum, retineat. Terra vero quæ est inter aquam de Ybrun et Lundegate, sicut[3] extenditur de Axethaithoveth,[4] usque ad Lundegate desicut[3] Lundegate cadit in aquam de Ybrun, communis inter nos cum hominibus nostris de Risewarp, et Willelmum, quamdiu inculta vel inhabitata erit.[5] Si vero colere vel inhabitare voluerimus, inter nos per medium dividatur, et partem suam colat et inhabitet si velit. A Lundegate, vero, quantum feudum Abbatiæ extenditur, cum heremetorio, retinemus in manu nostra—ita, tamen, quod Willelmus habebit in hoc retenemento necessaria ad proprias domos ædificandas de viridi, et focum suum proprium de sicco: pasturam vero sibi et hominibus suis ad omnes bestias, exceptis capris, in hoc retenemento habebit. Porcos suos proprios et hominum suorum de Ugelbardebẏ, sine pannagio, similiter illic habebit. Si vero minister Abbatis fidem habere voluerit de præposito Willelmi quod alienos porcos non admittet[6] sine licentia Abbatis, affidet hoc præpositus Willelmi; et si alienos admiserit, per licentiam Abbatis vel ministrorum suorum faciat. Harato'[7] suo communis sit pastura in omnibus pasturis nostris.[8]

CCLXV. Carta Ricardi de Perci de Dunesle.

Sciant omnes vid et aud. has litteras, quod ego, Benedictus,[9] Abbas Wytebiensis Cœnobii, communi assensu Capituli nostri, concessi et dedi Willelmo de Perci,[10] et hær. suis, Duneslcam, in nemore et in plano, in t'ra et in aqua, ea (66[b]) divisione qua pater ejus eam libere tenuit, in feudo et hæreditate,[11] duas

[1] M. de hornegarth.
[2] M. Iburne a Brustadegille.
[3] M. sicud, desicud.
[4] M. Axehatheved.
[5] M. fuerit.
[6] *mittet*: M. reads *admittet*, which is obviously right.
[7] M. reads *sua*, not *suo*, after this word. What it stands for, or means, is not obvious.
[8] M. postfixes etc. to *nostris*.
[9] *c.* 1139-1148.
[10] Son of Richard de Percy de Dunsley, who must have died antecedently to the date of this charter.
[11] *per* is inserted here, unnecessarily and wrongly.

marcas dando per annum, unam ad Pent. et alteram ad f. S. Martini, pro redemptione sui servitii, excepto Hornegarth[1] quantum ad t'ram suam pertinet. Pastura autem communis inter Dunesleiam et alias villas nostras quæ circa eam sunt, et nemus commune erit ad omnes suas proprias necessitates sine vastu. Hujus doni sunt testes:—Edmundus presbiter; et cætera.

CCLXVI. Carta de libertatibus burgensium de Wyteby. [M. 62.]

Omnibus S. M. Ecclesiæ filiis, Ricardus[2] D. G. Abbas Wytebyensis,[3] ejusdemque Ecclesiæ[4] Conv., salutem. Sciant omnes vid. vel aud. has litteras me, assensu totius Capituli mei,

[1] The mention of Horngarth in this and the preceding document is worthy of note.

[2] Richard de Waterville. Young's remarks (pp. 477, 478) on this charter and the subsequent withdrawal of it, are, on the whole, so much to the point, historically, that it may be as well to introduce the substance of them here in preference to giving another account:—The privileges thus conferred were soon after confirmed by a Royal Charter (No. 472). . . . But the liberties of Whitby were of short duration; the monks repented of their liberality to the town; and Peter, the next abbot, procured from King John a repeal of the charter which his predecessor had granted. In 1 John "Abbas de Whitebi debet c. marcas, ut burgenses de Whitebi non possint uti libertatibus suis concessis ab Abbati et Conv. de Whitebi et carta D'ni Regis confirmatis, donec judicatum sit in curia Regis si Abbas et Conv. eis dare potuerunt illas libertates." "Willelmus Clericus, et Radulfus filius Sudof, et Simon de Keseburn debent quater xx. marcas, pro se et pro tota villata de Whitebi, pro habenda confirmatione de libertatibus suis, sicut Abbas et Monachi de Whitebi eis confirmaverunt et concesserunt."—(Mag. Rot. 1 Joh. r. 4 b. Everw.) After a short delay, the King granted a charter to the Abbot Peter, dated Jan. 13, 1201, declining to confirm the charter of Richard de Waterville, which, as alleged, was against the dignity of the Church of Whitby (No. 538). Notwithstanding this defeat, the burgesses renewed the contest, for it appears from the rolls of the Exchequer that, 3 John, "Abbas de Whitebi debet c. marcas ne carta Ricardi de Waterville quondam Abbatis de Whitebi et Conv. confirmetur a Rege. . . . Idem Abbas debet c. l., ut loquela inter ipsum et Burgenses de Whitebi, de carta Ricardi de Watervill et Conv. de Whitebi, audiatur coram Rege et discutiatur ibidem, utrum Abbas et Conv. de Whitebi potuerunt dare hujusmodi libertatis burgensibus de Whitebi."—(Magn. Rot. 3 Joh. I. 12b. Everw.) The result of this trial is not particularly recorded, but we are certain it went against the burgesses.

[3] M. Whitebiensis.

[4] M. loci.

dedisse et conc. in perp. Wẏtebẏam[1] in liberam burgagiam, et burgensibus ibidem manentibus libertatem burgagiæ et leges[2] liberas liberaque jura; quietationem etiam in Wẏtebẏ[3] et extra Wẏtebẏ in universis et de universis ad Ecclesiam S. Petri et ibidem Deo servientium pertinentibus, communemque pasturam; quatuor vero vias intrandi et exeundi ad burgam liberam et quietam[4] de omnibus consuetudinibus, de unaqua[que] tofta reddendo pro universis servitiis annis singulis v denarios,[5] dimidiam ad Pentecosten et dim. ad f. S. Martini. Si quis autem t'ram suam vendere voluerit, primitus[6] hoc Abbati ostendere debet, et ei t'ram, si eam emere voluerit, vendendam offerre, pro tali rationabili pretio quale alius ei pro eadem t'ra dare voluerit. Si vero eam[7] emere noluerit, consilio et consensu ejus eandem vendat. Emptor vero t'ræ consuetudinem ad saisinam iiii denarios dabit, et i denarium burgensibus ad beverage. Et si aliqua querimonia inter burgenses[8] oritur, tribus vicibus unus alium ut sibi rectum et quid juris est faciat apud domum propriam requirere debet. Quod si sibi in tertia petitione satisfacere noluerit, demum justitiam villæ rationabiliter ut rectum faciat quærat. Tresque in anno sint eis plac[i]torum institutiones. Prima post Epiphaniam, secunda post Pascha, tertia post f. S. Hẏldæ. Quod si aliqua querimonia infra[9] prædictas institutiones se emerserit, et determinari intra easdem non possit, sine dilatione ad primam institutionem terminetur. Hoc ut ratum et durabile ab omnibus habeatur[10] optamus.

CCLXVII. Conventio inter Abbatem de Wyteby et Magistrum S. Leonardi de Eboraco.

In festo S. Jacobi Apostoli, proximo (67) post translationem B. Thomæ, Cantuarensis Archiepiscopi, amicabiliter conquievit lis mota Abbati et Conv. de Wẏtebẏ a Magistro et fratribus Hospitalis S. Petri Eboraci,[11] coram Decano et Capitulo, super

[1] M. Whitebiam. [2] *legis.* [3] M. Whiteby.
[4] So in both copies. [5] *denrarios.* [6] M. prius.
[7] M. eandem. [8] *burgensos.* [9] M. juxta.
[10] M. inserts here "præsens scriptum sigilli nostri appositione munivimus."
[11] See No. 295, the date of which is 1248.

travis carucarum de Wyteby in hunc modum—videl. quod dicti Abbas et mon. de Wyteby pro travis de omnibus carucis suis, quas habent vel habituri sunt, solvent singulis annis in crastino S. Andreæ Apostoli, apud Thornetun juxta Pikering, duo mil[l]ia allecis boni et pacabilis in perpetuum prædictis Magistro et fratribus: ita quod immunes erunt memorati Abbas et mon., pro hac concessione, a præstatione travarum in perpetuum, salvis præd. Magistro et fratribus integre et plenarie travis de carucis hominum et tenentium dictorum Abbatis et Conv. de Wyteby. Si autem contingat quod aliquas terras ad firmam ceperint, vel de novo adquisierint,[1] de quibus bladum S. Petri percipere consueverint sæpedicti Magister et fratres, de singulis carucis terras illas colentibus, singulas travas annuas persolvent præd. Abbas et Monachi, vel alias satisfaciant. Et ne aliquo casu in hac solutione cessare præsumant, jurisdictioni Decani et Capituli Eboracensium se subjecerunt sæpedicti Abbas et Conv. de Wyteby, appellatione remota, ut ad hoc compellantur. In hujus autem compositionis robur et testimonium dictorum Abbatis et Conv., et Magistri et fratrum Hospitalis, necnon Decani et Capituli Ebor., coram quibus hæc acta sunt, huic scripto sigilla sunt apposita.

CCLXVIII. Henricus primus de Libertatibus.

[M. 153.]

Henricus, Rex Angliæ, Archiep'is, Ep'is, Comitibus, Baronibus Justiciariis, Vicecomitibus, Ministris et omn. Præpositis suis, salutem. Sciatis me conc. et conf. Deo et Eccl. S. P. et S. Hildæ de Wyteby, et mon. ib. Deo serv., [o]mnes t'ras et ecclesias et decimas, et omnes possessiones quas Rex Willelmus, pater meus, et Rex Willelmus, frater meus, eidem Eccl. dederunt, et per cartas suas confirmaverunt, in perp. elemosinam. Insuper autem concedo et confirmo præd. Eccl. et mon. ejusdem loci portum maris, simul cum alga, et cum omnibus quæ pertinent ad portum maris apud Wytebi. Et volo et præcipio ut præd. Monachi omnia ista prædicta, et omnia alia tenementa sua, habeant et teneant, bene et in pace, libere et quiete, cum omnibus libertatibus et quietationibus quas habet Ecclesia S.

[1] *adquisierant.*

Johannis de Beverlaco, et Eccl. S. Wilfridi de Ripun. Testibus. Turstino Archiep'o. Adelwald Ep'o Carleolensi.[1] R . . . Comite; et aliis.

CCLXIX. CONFIRMATIO ECCLESIARUM DE WYTEBY, DE HAKENES, DE ATONA, DE ENGELBI, ET DE DECIMIS DOMINII DE PERCY.

Rogerus D. G. Eborac. Archiep'us, Roberto Decano et Capitulo S. Petri [*etc. as in No.* 55].

CCLXX. CONFIRMATIO GAUFRIDI ARCHIEPISCOPI DE ECCLESIA DE ENGELBY IN PROPRIOS USUS.

Gaufridus[2] D. G. Eborac. Archiep'us, et Angliæ Primas, omn. Christi fidelibus has litteras vis. vel aud., æternam in D'no salutem. Ne temporum varietate, vel malignorum machinatione, ea quæ circa ecclesiasticas fiunt dispositiones ullatenus valeant infirmari, ad universitatis vestræ notitiam volumus pervenire nos, divinæ pietatis intuitu, confirmasse Deo et Eccl. B. P. et S. Hildæ de Wÿtebÿ, et mon. ib. Deo serv., ecclesiam de Englebÿ in Cliveland, cum omn. ad eam pertinentibus, in proprios usus perpetuo possidendam, secundum tenorem cartæ (68) R[ogeri] bonæ memoriæ, prædecessoris nostri, quondam Ebor. Archiep'i, quam inde habent. Et ut hæc nostra confirmatio firma et stabilis permaneat eam presenti scripto et sigilli nostri appositione roboravimus. Hiis testibus B[ernardo] Carleolensi Ep'o.[3] Columbo, D'ni Papæ Subdiacono. Rogero de Richemont. Roberto de Ettona. Thoma de Vitri. Petro Albino.[4] Roberto de Tantona; et aliis.

CCLXXI. CONVENTIO INTER DOMUM DE WITEBY ET DE GISBURNIA.[5] [M. 124.]

Sciendum est quod Monachi Abbatiæ[6] de Wÿtebÿ solebant tenere totam deciman et omnes parrochianas consuetudines,

[1] Adelulf or Adelwald, 1133-56. As the King's reign terminated in 1135, the date of this charter lies between 1133 and 1135.

[2] Geoffrey Plantagenet, 1191-1207.

[3] 1203-19. The date of the charter then is between 1203 and 1207.

[4] *Albinus.*

[5] A document of great interest, and some importance in the early history of Whitby, dealt with in the Introductory Chapters.

[6] M. et abbas.

præter corpora mortuorum, ad ecclesiam de Midlesburg,[1] quæ tunc erat capella, de xii carucatis t'ræ; et Canonici Ecclesiæ de Giseburna tenebant ad ecclesiam suam de Steintuna[2] sepulturas mortuorum de eisdem xii carrucatis t'ræ, et calumpniabantur ad jus prædictæ eccl. suæ de Steintune totam decimam et omnes parrochianas consuetudines de prædictis xii carruc. t'ræ; cumque calumpniam illam sæpe moverent præd. Can. contra Mon. de Wẏtebẏ, tandem tota contentio ejusdem calumpniæ finita est, hoc modo, in præsentia Roberti de Brus, de cujus elem. Can. habebant eccl. de Steintuna,[3] et Mon. de Wẏtebẏ capellam de Midlesburg, et in præsentia D'ni Willelmi Prioris, et Nicholai Abbatis. Siquidem ex utraque parte concordi dispensatione diffinitum et concessum est ut Can. de Giseburnea deinceps perpetua possessione haberent totam decimam et omnes parrochianas consuetudines et sepulturas, sine alicujus rei exceptione, ad opus ecclesiæ suæ de Steintune, vi carrucatas[4] de præd. xii carrucatis t'ræ: similiterque præd. Mon. de Wẏtebẏ deinceps perpetua possessione haberent totam decimam et omnes parroch. consuet. et sepult., sine alicujus rei exceptione, ad opus præd. capellæ de Mildeburg,[5] vi carrucatas[4] de præd. xii carrucatis terræ. Et si velint præd. Monachi, predicta capella [de] Mildeburg[6] deinceps, absque ulla calumpnia, sit[7] Mater ecclesia: et ne in posterum ulla contentio possit fieri inter præd. Canon. et Mon. post hanc concordiam de prædictis parrochiis, notum sit quod præd. Monachis nominatim remanserunt iiii carrucatæ de feudo Johannis Ingelram[8] in Arusam; et v^{ta} de feudo Malet,[9] hominis Rogeri de Molbrei,[10] in Levingtorp; et vi^{ta} ipsorum propria in Mildeburg:[1] præd. vero Canon. nominatim remanserunt iii carrucatæ de feudo Alfred,[11] hominis (68^{b}) Roberti de Brus, in

[1] M. Midelburg.
[2] M. Stayntona.
[3] M. Staintona.
[4] So in both copies.
[5] M. Mideleaburg.
[6] M. Midlesburg.
[7] *sic* in A.
[8] M. Ingeram.
[9] In the Memorial of Benefactions, in close connection with the grants of Ingelram and others to Midlesburch, *Henry* Malet is named as the donor of four acres, and in the same vicinity doubtless. Probably the blank in the pre-name here may be thus correctly supplied.
[10] M. Mubray.
[11] Alveredus in the Endowment Charters of Gysburne.

Aclum; et iiii[ta] de feudo Roberti Esturrnith in Aclum; et v[ta] de feudo Malet, quam tenebat de Roberto de Brus; et vi[ta] ipsorum propria in Arusam. Sciendum quoque quod præd. Monachi clamaverunt quietum et solutum præd. Canon. quicquid poterant calumpniari adversus parrochias illorum propter donum Hugonis Cestrensis Comitis. Hunc finem et concordiam inter prædictos Canonicos et Monachos concessit et confirmavit, ex sua parte, Capitulum Canonicorum de Giseburnia; et Capitulum Monachorum de Wÿtebi et Robertus de Brus ex parte sua. Testibus.[1] H[ugone][2] Archidiacono; et Willelmo[3] Her[iz]. Blanfront. Adam de Brus, et Roberto fratre[4] ejus. Ernaldo de Perci, et duobus filiis ejus; et alii[s].[5]

CCLXXII. Convencio inter domum de Eboraco et domum de Witeby. [M. 124[b].]

Omn. Christi fidelibus hoc scr. vis. vel aud. R . . .[6] Abbas et Conv. S. Mariæ Eboracensis, s. æternam in Domino. Noverit univ. v. nos concessisse et dimisisse Abbati et Conv. de Wÿtebÿ, ad perp. firmam, duas partes decimæ de dominico de Maÿbruna—scil. garbarum et omnium aliarum decimationum: Reddendo inde annuatim monachis nostris de Wed[er]hala[7] decem quartera frumenti boni et pacabilis apud domos nostras de Appelbi, die fori; ita quidem quod dictum bladum persolvetur eis plene, vel eorum assignatis, inter f. S. Micahelis et Pascha proximo sequens. Si vero frumentum ab eis oblatum bonum et pacabile non fuerit, dabunt eis pretium boni frumenti

[1] *Testes.* It is to be observed that there is a great confusion of nominatives and ablatives in naming the witnesses.

[2] Archdeacon Hugo is witness to No. 204 and No. 253, nearly cotemporary with this deed. Hugo de Stotevagina was Archdeacon in 1138, and no doubt for some time previously.

[3] William Heriz is witness to a charter by Adam de Brus in the York Museum, and is no doubt identical with this man. M. only gives Willelmo without Heriz, and no other witnesses at all. It will be noticed that Adam de Brus follows next but one.

[4] *frater.*

[5] *alii.*

[6] It is not possible, in the absence of any clew whatever, either from date or name of personage, to fill up the blank here. There were three (if not four) abbots of York in succession between 1112 and 1232, whose names began with R.

[7] M. Wederhala.

et pacabilis, secundum æstimationem fori de Appelbi. Si vero dictum frumentum, vel pretium, infra dictos terminos plene non solverint, dabunt fabricæ Ecclesiæ S. Mariæ Karleoli, nomine pœnæ, dimidiam marcam argenti, et nihilominus[1] bladum non solutum, vel pretium. Si vero contigerit Abbatiam de Wyteby esse in custodia D'ni Regis, cum destituta fuerit Abbate, et custos Abbatiæ, ex parte Regis[2] deputatus, prout suprascriptum est, dictum bladum vel pretium non persolverit, ipsi, tempore substituti Abbatis, sine aliqua difficultate et contradictione, de blado non soluto, vel pretio, memoratis Mon., vel eorum assignatis, apud domos suas de Appelbi plenarie satisfacient. Si vero contigerit ipsos, aliquo casu, per aliquem, ecclesia de Crosseby Ravenssuart[3] esse destitutos, et, occasione hujusmodi destitutionis, a solutione dicti bladi, vel pretii, prout suprascriptum[4] est, cessaverint, licebit nobis, non (69) obstante ista concessione nostra, liberum habere regressum ad perceptionem dictarum decimarum nostrarum, sine contradictione Abbatis et Conv. de Wytebi. Dicti vero Abbas et Conv. de Wyteby subjecerunt se jurisdictioni Officialis Karleolensis, qui pro tempore fuerit, ut ipse plenariam habeat potestatem compellendi eos per censuram ecclesiasticam, omni appellatione remota, non obstante fori privilegio, ad omnia supradicta inviolabiliter observanda. Ut autem hoc præsens scriptum nostræ concessionis et dimissionis firmum et stabile permaneat, sigillum Capituli nostri eidem dignum duximus apponi.

CCLXXIII. Conventio inter Domum de Wyteby et Domum de Bredlingtona. [M. 125.]

Anno Gr. m°. cc°. xxx°, primo die S. Suthuni,[5] coram d'nis Roberto de Lisingtona[6] et Magistro Roberto de Sergeslane, tunc Justiciariis itinerantibus, apud Wytebi facta fuit concordia inter Rogerum, tunc[7] Abbatem de Wyteby, et Thomam[8] tunc Priorem de Bridlingtona, per licentiam: Et est concordia talis—quod dictus Prior remisit et quietam clamavit

[1] M. nichilominus.
[2] M. omits "cum destituta," etc. to "Regis."
[3] M. Ravenesuart.
[4] *subscriptum.*
[5] M. Suithuni.
[6] M. Lysingtona.
[7] *tunt.*
[8] "In 1231 and 1249."—(Burton, p. 249.)

totam communam totius pasturæ quam clamavit versus præd. Abbatem in Hakenes, Silfhou, Suthfeld, ut pertinentem ad liberum tenementum suum de Scallebý, Briningestona et Cloctona; ita quod dictus Prior et successores sui de cætero, ratione illius tenementi, nullum jus vel clamium sibi poterunt vendicare. Et dictus Abbas, pro se et successoribus suis, dedit et concessit dicto Priori et success. suis communam pasturæ, a vacaria præd. Prioris in Haiburn,[1] usque ad Kesebec et Hellewath, ad quinquaginta vaccas, cum legali earum secta trium annorum—ita scil. quod pascere possint in tota pastura illa sine warda[2] facta usque ad prædictas metas, et non ultra: et quod pastor earum non sequatur eas ad custodiendum illas, sed bene licebit pastori intrare pasturam illam ad reducendum illas. Et licebit bene dicto Abbati inparcare prædictas vaccas si ibi pascant cum[3] warda[2] facta; salvis etiam prædicto Abbati frussuris,[4] clausis et pratis quæ fecerat ante diem quo concordia facta fuit; et salvis etiam eidem Abbati quingentis acris intra præd. metas quas claudere poterit et colere, et inde proficuum suum facere pro voluntate sua: ita tamen quod prædictæ vaccæ poterint habere liberum ingressum et egressum ad prædictam pasturam. Concessit etiam dictus Abbas, pro se et successoribus suis, dicto Priori et success. suis xx equas (69^{b}) silvestres,[5] cum sequela sua trium annorum, in pastura sua infra prædictas metas, et ultra, ubicunque voluerint pascere, sine impedimento dicti Abbatis et successorum suorum. Hanc autem communam pasturæ concessit dictus Abbas dicto Priori et success. suis habendam et

[1] This name remains as Hayburn in Hayburn Wyke. Kesebeck is marked in No. 95 N.W. (1-inch scale, Ordnance Survey) as very near to Harwood-dale School, and not far from it is Cowgate Slack, a name probably connected with the rights of stray for cows specified in this charter. Helwath and Helwath Beck are also marked in the same map, and lie about two miles north-west of Kesebeck. The stray was one of considerable extent.

[2] M. guarda. "Ward, of kepynge (ward or kepynge, S.). Custodia, conservacio (observacio, P.)"—(Pr. Parv. 516.)

[3] *cum* is repeated.

[4] Rendered by Charlton "cultivated closes;" but rather land newly broken up.

[5] This can hardly be taken to imply anything but a stud of brood mares suffered to lead a wild life, their young being taken up after the age of three years.

ten. in perpetuum:—Reddendo inde per annum dicto Abbati et success. suis unam libram ceræ et unam libram liberi incensi apud Wẏtebẏ, die S. Hẏldæ in autumpno, pro omni servitio. Et sciendum est quod bene licebit prædicto[1] Abbati et success. essartare, frus[s]are, et claudere, et proficuum suum facere in tota pastura a prædictis metis de Kesebec et Hellewathd[2] usque ad Mirchesc et Lithebec,[3] absque impedimento vel clamio dicti Prioris vel success. suorum, et non obstante communa quam dictus Abbas dicto Priori concessit ad prædictas equas. Sic vero sedatæ fuerunt et sopitæ omnes lites et contentiones inter eos habitæ de pastura prædicta, et omnia dampna utrobique relaxata. Et ut hæc concordia de cætero maneat integra et illibata, dictus Abbas et Conv. de Wẏtebẏ scripto Prioris et Conv. de Bredlingtona sig. Capituli sui apposuerunt; et Prior et Conv. de Bridlingtona scripto Abbatis et Conv. de Wẏtebẏ sig. Capituli sui apposuerunt.

CCLXXIV. Conventio inter Domum de Wyteby et Domum de Hep. [M. 126.]

Universis S. M. Ecclesiæ filiis, ad quos pr. scr. pervenerit, M[ichael] Prior Giseburniensis, et W . . ., Cantor eiusdem loci, et R . . ., Decanus Clivelandiæ, salutem in D'no. Noverit univ. v. quod mandatum D'ni . . .[4] suscepimus in hæc verba:—Honorius Episcopus, Servus servorum, Dei dilectis filiis, Priori et Cantori de Giseburnea et Decano Clivelandiæ, Eborac. dioceseos, s. et apost. benedictionem. Conquesti[5] sunt nobis Abbas et Conv. de Wẏtebi quod Abbas et Conv. de Hep, et quidam alii Eborac. et Karleolensis diocesium, super quibusdam decimis et rebus aliis ad ecclesiam suam de Crossebi pertinentibus injuriantur eisdem; ideoque discret[i]oni vestræ, per apostolica scripta, mandamus quatinus, partibus convocatis, audiatis causam, ap[p]ellatione remota, fine debito terminatis, facientes quod statueritis per censuram ecclesiasticam firmiter observari. Testes autem qui fuerint nominati, si se gratia, odio, vel timore subtraxerint, per censuram eandem, ap[p]ellatione cessa[n]te,

[1] *prædicte.* [2] M. Hellewat.

[3] Both these streams are named in the boundaries of Whitby Liberty.

[4] An erasure here in both copies, and nothing substituted. Probably *Papæ* requires to be supplied. [5] *Consequesti.*

cogatis veritati testimonium perhibere. Quod si non omnes hiis exequendis potueritis interesse, duo vestrum ea nichilominus exequantur. Datum Laterani. xv. kalendas Martii, Pontificatus nostri anno octavo.—Partibus igitur, hujus (70) auctoritate mandati in nostra præsentia constitutis, lis inter eas hoc fine conquievit super decimis et capella de Revegile[1]—videl. quod præfati Abbas et Conv. de Hep tenentur solvere annuatim ecclesiæ de Crossebẏ, nomine decimarum, sex sceppas[2] pacabilis farinæ de avena, pro decimis terrarum suarum de Revegile, quas propriis manibus et sumptibus tempore istius compositionis excoluerunt—scil. tres sceppas ad f. S. Martini in hi[e]me, et tres sceppas ad Pascha. De novalibus non propriis manibus et sumptibus post istam compositionem excolendis decimas non solvent. Si autem aliis dederunt excolenda, illi plenarie inde decimas solvent. Et licebit præfatis Abbati et Conv. de Hep in capella sua de Revegile divina celebare, salva indempnitate matricis ecclesiæ de Crossebẏ in oblationibus, obventionibus, confessionibus, et communionibus, et sepulturis, et in omnibus aliis. Et hanc compositionem fideliter et sine fraude tenendam Abbas de Wẏtebẏ, pro se et Conv. suo, et Abbas de Hep, pro se et Conv. suo, in verbo D'ni, inspectis sacrosanctis, juraverunt; et in hujus rei testimonium, una cum sigillis nostris sigilla sua huic scripto apposuerunt, subjicientes se jurisdictioni Abbatis de Jorevalle et Prioris Dunelmensis, si forte aliquis eorum contra hanc compositionem venire attemptaverit. Actum apud Giseburniam, xi kalendas Maii, Anno Incarnationis Domini m°cc° vicesimo quinto.

CCLXXV. CONVENTIO INTER DOMUM DE WYTEBY ET DOMUM DE SIXEL. [M. 127.]

Notum sit univ. ad quos hoc scr. perv., pr. et fut., ita convenisse inter Petrum, Abbatem de Wẏtebẏ, et Conv. ejusdem loci, et Ciprianum, Priorem, et Conv. de Sixchle,[3] super dua-

[1] A township and small village in the parish of Crossby Ravensworth.

[2] The sceppa of salt payable to de Brus out of each saltcote on the Cotum marshes contained 10 bushels. Charlton translates the word, erroneously, by "quarters." Probably the measure may have been a variable one, varying in different parts of the country.

[3] M. Sixel. "Sixhills, a parish in the mid division of the county of Lincoln, parts of Lindsey. A Gilbertine Priory, dedicated to the Blessed

bus partibus decimarum de dominio de Luefordh,[1] quæ pertinere dinoscebantur ad Conv. de Wẏtebẏ, super quibus erat inter illos contentio coram judicibus a summo Pontifice delegatis —scil., quod præd. Abbas et Conv. de Wẏtebẏ concesserunt præfato Priori et Conv. de Sixchle[2] prænominatas decimas sine aliquo retinemento, tenendas de eis inperpetuum pro una marca argenti annuatim eis inde reddenda—scil. ad f. S. Barnabæ Apostoli. Ut autem hæc conventio[3] perpetuitatem habeat,[4] et robur perpetuum, hinc et inde confirmatur sigillis utriusque Capituli; ita, scil., quod præfatus Abbas et Conv. de Wẏtebẏ habent super hoc sigillum Prioris et Conv. de Sixchele, et Prior et Conv. de Sixchle sigillum habent super eadem Abbatis et Conv. de Wẏtebẏ. (70[b]) Hiis testibus. Magistro Alexandro de Baiocis. Magistro Johanne filio Othuni.[5] Magistro Waltero filio Turchilli. Magistro Augustino; et aliis.

CCLXXVI. Carta de tenemento Willelmi de Dales. [M. 90.]

Notum sit omnibus vid. vel aud. has litteras, quod ego, Petrus,[6] D. G. Abbas de Wẏtebi,[7] et Conv. ejusdem loci, communi assensu et consilio Capituli nostri, concessimus et dedimus et hac pr. c. confirmavimus Willelmo fratri Reginaldi[8] de Suthfeld et hær. ejus, in feodo et hæreditate, t'ram illam in villa de Dales quæ fuit Willelmi filii Tholo,[9] et t'ram illam quæ est inter fontem de Haradale[10] et le Cringeliwert[11] — scil. sub Haradalehevéd[10] sicut fons de Langadale[12] progreditur et cadit in fontem de Haradale,[10] et t'ram de Ravenecumbe[13] usque in occidentalem vallem de Whitspotdale inter moram—scil. de

Virgin, was endowed here in the reign of Stephen, by Albert de Grealei. It was in this monastery that Edward I. confined Mary, wife of Christopher Seton and sister of Robert Bruce, in 1306. At the Dissolution, its revenue was valued at £178, 8s. 9d."

[1] M. Ludeforde. See No. 27, where the name is written Ludefort; in No. 279, Ludeford; etc.

[2] See note 3 on previous page.

[3] *Conventie.*

[4] *Habebat.*

[5] M. Otuny. No other witnesses added.

[6] Before 1190-1211. See No. 508.

[7] M. Whyteby.

[8] *Rogin'.* M. Reginaldi.

[9] M. Thole.

[10] M. Haredale.

[11] M. Cringeltheit.

[12] M. Langedale.

[13] M. Ravencumbe.

Bradeie[1] et Whitspotdalebec,[2] libere et quiete[3] pro omni servitio de nobis tenendas: Reddendo inde singulis annis custodi communis operis Ecclesiæ nostræ dimidiam marcam argenti—dim. ad Pent. et dim. ad f. S. Martini. Has autem prænominatas t'ras, cum communi pastura et aisiamento villæ, dedimus præfato Willelmo et hær. ejus: ita, tamen, quod illi eas nulli dabunt, nec præstabunt, nec vendent, neque invadiabunt, nisi nobis et Eccl. nostræ. Hiis testibus. Paulino Capellano. Adam Capellano.[4] Rogero de Houchesgard. Reginaldo, Adam, et Willelmo, filiis ejus.

CCLXXVII. De Essarto de Quener Suttona.

(70[b]) Sciant omnes ad quos litteræ istæ pervenerint, quod ego, Ricardus,[5] Abbas de Witebi, cum assensu Capituli nostri, concessi et hac carta nostra confirmavi Johanni[6] filio Samsonis, et hæredibus, quendam[7] sartum qui vocatur Farneforde, tenendum de nobis[8] et Eccl. nostra, de Quenesuthune: Reddendo inde nobis annuatim vi d. ad f. S. Martini pro omni servitio.

CCLXXVIII. Carta Roberti Coci.

(70[b]) Ricardus,[9] D. G. minister Ecclesiæ Wytebiensis, omn. vid. vel aud. has litteras, salutes in Christo Jhesu. Sciatis nos, communi assensu et consilio totius Capituli nostri, concessisse et pr. cartæ testimonio confirmasse Roberto Coco, et Waltero[10] filio suo, Magisterium officii coquinæ nostræ hæreditarie tenendum, sicut idem Robertus melius et liberius tenuit

[1] M. Braday.

[2] M. Whispotdalebek. Now Whisperdale Beck. See 1-inch Ordnance Survey, No. 95 N.W., where, besides this place, we find Breaday Heights and Gill, Langdale End High and Low, and Hingles, most likely Cringles originally.

[3] No mention is made of any rent, acknowledgment, or service to be rendered in consideration of the grant of land, and the omission is common to both copies.

[4] M. gives no more witnesses.

[5] Uncertain which Richard.

[6] *Johannis.*

[7] *q'adam.*

[8] *nebis.*

[9] This is probably Richard de Burgh (1148-1175). See next note.

[10] They are both witnesses to No. 29, which was probably, almost certainly, granted before 1135, a date which will consist with the mention by the Abbot of the office as held by Robert, "tempore prædecessorum nostrorum."

tempore nostro, vel prædecessorum nostrorum. Dabimus etiam eidem Roberto et hær. su[i]s, singulis annis, pro servitio quatuor solidos. Hanc conventionem illi firmiter observabimus.

CCLXXIX. CARTA[1] ALANI DE PERCY FILII WILLELMI DE PERCY PRIMI FUNDATORIS ABBATIÆ DE WHITBY DE TERRIS ET EARUM DIVISIS.

(71) Notum sit omn. Catholicæ Ecclesiæ fidelibus, tam pr. quam fut., quod ego, Alanus de Percie,[2] in tempore d'ni mei, Henrici, Regis Anglorum, ipso concedente et confirmante, dedi in elem. perp. Ecclesiæ S. P. et S. Hildæ de Whiteby, pro a. ejusdem Henrici Regis, et Willelmi Regis, fratris ejus, et pro a'abus hær. eorum, Regum Anglorum, et pro a'abus Hugonis Cestrensis Comitis, ac Willelmi de Percy, patris mei, et Emmæ de Port, matris meæ, et omnium parentum meorum, et pro memet ipso, et pro hær. meis—scil. Witeby, ubi prædicta Ecclesia est, et eccl. S. Mariæ ejusdem villæ, et Portum maris, cum omn. libertatibus et pert. suis, et Whitby et Overby, Gnipam, Normanneby, Figelingam et aliam Filingam, Snetonam, Ugelbardeby, Soureby, Dunselac, Neuham, Stakesby, Breccam, Floram, et Hakenessam, et eccl. S. Mariæ ejusdem villæ, et S. Petri ecclesiam, et Nordfeld, et Sudfeld, et Eve[r]leye, et Brocesaye, et Torenlaye, et decimas carucarum de dominio meo de Uplium, de Wiltona, de Samara, de Nafertona: In Lindesaya similiter, de Immingham, de Sumerledeby, de Stayntona, de Caprimonte, de Ludeford, de Elkingtona, de Saletorp, de Covenham, de Authneby; et medietatem piscium de Ergum; et forestas, et pasturas, et omnia nemora, cum aquis et stagnis, ad

[1] This charter is in quite a different hand both from that which precedes and the one which follows it. The entire page, f. 71, is taken up with it, and on the reverse is much, if not quite, the same hand which is employed to nearly the foot of f. 114, and which may perhaps be referred to about 1325-1350.

[2] In the Inspeximus by Henry de Percy (No. 405) will be found a charter, also by Alan de Percy, which, although dealing with some of the details of donation named in the present document, and attested by almost exactly the same witnesses, is yet distinguished from it by great and most material differences and omissions. The verbal and other minor differences in the enumeration of witnesses will be found in the following notes.

prædictam Eccl. de Whitby pertinentia, sicuti umquam melius, plenius et liberius ego et pater meus ea habuimus et possedimus. Hæc autem omnia dedi Deo et S. P. et S. Hildæ, et mon. de Whiteby Deo serv., ad Abbatiam prædictam construendam, et hac carta mea confirmavi, [et] ita libere, quiete, ac solute concessi ex omni [ex]actione et consuetudine sæculari, quod nichil omnino nisi ipsius Abbatiæ defensionem michi retinui. Ego vero et hær. mei præd. Abbatiam de Whiteby et totam prænom. elem. meam defendemus et adquietabimus ab omni equitatu, et ab omni forensi servitio, et exactione, et consuetudine sæculari. Hiique sunt testes et concessores. Walterus,[1] Ricardus de Percy, fratres mei. Picot[2] de Percy. Fulco Dapifer, Raynfridi filius,[3] et Willelmus filius ejus; et Everardus; et Malgerus;[4] et Willelmus Terri filius; et Ricardus de Hulmit;[5] et Arundel; et Maumardus de Londona;[6] et Alemannus Presbiter.

CCLXXX. Copia cartæ quam hæredes [de] Landale[7] habent de terris sub Hardalehede. [M. 91.]

William, son of Robert de Dales, grants to Whitby thirty-four acres of land in Langdale.

(71[b]) Sciant pr. et fut. quod ego, Willelmus, filius [Roberti] de Dales,[8] d., c. et hac pr. c. mea conf. Willelmo filio Moriel de Wispodale, et hær. vel assignatis suis, totam t'ram, boscum, pratum et pasturam quæ habui inter Hardalhede et Langdalekeld,[9] et continet in se triginta iiii[or] acras, cum omn. pert. suis, in villa et t'ritorio de Dales—Tenendum et hab. prædicto Willelmo et hær. vel assignatis suis, de capitali d'no feodi, lib., qu., integre, bene, et in pace, imperpetuum: Reddendo inde annuatim michi et hær. meis unum den. argenti tantum ad Natale

[1] Willelmus in No. 405: it may be doubted, perhaps, if it should not be Walterus. Certainly Alan de Percy had a brother William, the Canon. But the entire accordance as to the rest of the witnesses causes this name to be regarded suspiciously.

[2] No. 405, Pikot.

[3] No. 405, filius Reynfridi, Prioris de Whiteby.

[4] No. 405, Magerus.

[5] No. 405, Will. Terry filius Ricardi Humez.

[6] No. 405, Maynardus de Lundonia.

[7] This name ought, almost beyond doubt, to be Langdale.

[8] M. also reads "Will. filius de Dales," but the Roberti is safely supplied from the formula of warranty. See No. 276.

[9] In No. 276 these names stand *Haradaleheved* and *fons de Langadale*, where the Latin *fons* takes the place of Northumbrian *keld*.

Domini, et faciendo capitali domino feodi servitia debita et consueta, pro omnibus sæculariis officiis, servitiis, exactionibus et demandis. Et ego, vero, præd. Willelmus, filius Roberti de Dales, et hær. mei totam præd. t'ram, boscum, pratum et pasturam, cum omn. pert. suis, ut prædictum est, præd. Willelmo, filio Moriel de Wispodale, et hær. vel assignatis suis, c. o. h. et f. warantizabimus, acq. et ubique defendemus imperpetuum. In cujus rei test. sig. meum pr. cartæ apposui. Hiis testibus. Petro de Fasceby,[1] tunc Senescallo de Whiteby. Roberto de Wileme.[2] Roberto de Everley. Willelmo de Fisseburne. Galfrido filio Willelmi de Everle. Johanne Danyell de Anlakby; et multis aliis.

CCLXXXI. Carta de Thorp juxta Eboracum.

Roger de Mowbray grants to Reginald le Poer two bovates in Bustard-thorp.

(72) Rogerus de Molbray[3] omn. ministris suis et hominibus, Francis et Anglis, salutem. Notum sit vobis me dedisse et conc. Rainaldo Poher duas bovatas t'ræ in Thorp juxta Eboracum, quas Osbertus[4] tenet, et homagium et servitium ipsius Osberti et suorum hæredum, liberas et quietas et solutas ab omni servitio et consuetudine, per serv. unius libræ piperis annuatim. Illi et suo hæredi concedo hanc t'ram præd., et hom. et serv. hujus Osberti et suorum hæredum, ita quod Osbertus et omnes sui filii sint liberi et quieti a me et meis hæredibus, intendentes de homagio et servitio suo Rainaldo et suis hæredibus. Et volo et jubeo quod Rainaldus et suus hæres teneant libere et quiete, in feudum et hæreditatem, in bosco, in plano, et in omnibus ad supradictam t'ram pertinentibus, de me et meis hæredibus. Testibus. Willelmo de Arches. Radulfo de Widville. Philippo Pumtel.[5] Helya de Dol. Osberto filio Willelmi filii[6] Hervii. Roberto filio Balduini. Ricardo filio Widonis.

CCLXXXII. Carta alia de Thorp juxta Eboracum.

Rogerus de Moubray[7] omn. hominibus suis, Francis et Anglis,

[1] M. Fayseeby. [2] M. Wyleme. [3] See Nos. 82, 256, 257, etc.

[4] See Memorial (p. 6), where he is called Osbert Bustard, whence Bustard Thorp.

[5] The reading here is very doubtful.

[6] It is open to question if some other name be not omitted after Willelmi, and if consequently it should not be *filio Hervii* instead of *filii Hervii*.

[7] See note 4 *supra*.

Roger de Mowbray grants and confirms to Whitby all that Reginald le Poer had held of him in Bustardthorp and York.

salutem. Notum sit vobis et omnibus vid. vel aud. has litteras, me conc. et dedisse Ecclesiæ de Whiteby et mon. ib. Deo serv., in lib. et perp. elem., totam tenuram quam Reginaldus Poer de me tenuit, et quam reddidit et reliquit[1] in manu mea—scil., sex bovatas t'ræ in Thorp et quatuor mansuras in Eboraco—tres, scil., in Skeldergata, et unam super ripam fluminis Usæ, ubi ipse manebat. Hæc autem dedi eis pro a. patris et matris meæ, et pro s. mea et filiorum meorum, in excambium dimidiæ carrucatæ unde habent cartam patris mei. Reginaldus autem Poer vendidit Eccl. præfatæ de Whiteby totum jus quod habuit in præfata t'ra, et reliquit[1] michi ad opus illorum, et ego reddidi eis et saisivi per idem lignum per quod et recepi illud. (72b) Hiis testibus. Nigello filio meo. Hugone Malebisse, Dapiferi filio. Rodberto de Daievilla. Rogero de Cundi. Rodberto Capellano. Johanne de Crevequer. Rogero de Ardenne. Radulfo de Popelitun. Rodberto de Cundi. Dren[2] filio Nicholai Canonici. Radulfo de Crammavilla. Hugone Pistore. Hugone de Neuponte.

CCLXXXIII. Alia carta de eadem Thorp juxta Eboracum.

Notum sit omn. S. Ecclesiæ filiis, tam pr. quam fut., quod ego, Ricardus,[3] Abbas de Whiteby, communi assensu Capituli, concedo et confirmo Eeclesiæ Hagustaldensi, et fratribus ib. Deo serv., iiii^or carrucatas fœni de terra nostra de Thorp, et duos sol. de uno tofto in Eboraco, duobus terminis—scil. ad Pent. et ad f. S. Martini, quæ Osbertus, homo noster, et hær. sui reddent annuatim Eccl. supradictæ, salvo ex integro censu[4] nostro—scil. viginti solidis singulis annis. Hanc igitur elemosinam, quam Reginaldus Poer, qui nobis præd. t'ram de Thorp, sine omni retinaculo, vendidit, pro filio suo, quem canonicum fecerunt, eis dedit, nos tanquam dilectis in Christo fratribus magis conservare et confirmare, quam deturbare vel infirmare decrevimus:—Unde testes sunt—Galfridus,[5] Prior S. Oswaldi, et Robertus Hait, Canonicus ejus. Osbertus Archidiaconus. Geroldus filius Serlonis. Willelmus Wintoniensis. Thomas

[1] *reliquid.*
[2] An unusual name, but known as a surname in the Wykeham documents.
[3] The earlier of the two Richards, or Richard de Burgh.
[4] *sensu.*
[5] Galfrid, Prior of S. Oswald's, Nostel, *ob.* 1175.

filius Paulini, Canon[icus]. Galfridus, nepos Gamelli. Hervius de Ricala. Hervi[u]s de ultra Usam. Hervius de Leirthorp. Robertus et Willelmus, filii Reinerii Poer. Chetel ultra Usam. Lemmer le Tannur. Willelmus Pettem'. Symon et Galfridus, ministri Prioris de Hagustaldia; et multi alii.

CCLXXXIV. Thorp.

Notum sit omnibus vid. vel aud. has litteras, pr. et futuris, quod ego, Ricardus,[1] D. G. Abbas de Whiteby, assensu totius Capituli, concedo Osberto de Thorp et hær. suis, in feudum et hæreditatem, sex bovatas t'ræ in Thorp, et tres mansuras (73) Eboraci in Skeldergata—scil. tenuram Reginaldi Puer, quam Rogerus de Mulbray reddidit Ecclesiæ S. P. et S. Hyldæ de Whiteby, in excangio pro t'ra quam pater suus, Nigellus de Albeni, antea in vita sua eidem Ecclesiæ dederat, reddendo singulis annis xx^{ti} s., duobus terminis, pro omni debito servitio quod ad nos pertinet—decem, scil., ad Pentecostem, et decem ad festivitatem S. Martini: salvo jure Ecclesiæ Hestoldensis.

CCLXXXV. Alia carta de eodem Thorp.

Roger de Mowbray grants and confirms to Whitby the land lately held of them by Reg. le Poer at Thorp and York.

Archie'po Eborac., et Capitulo S. Petri, et omnibus qui has viderint vel audierint litteras, Rogerus de Mulbray s. in Christo. Sciatis omnes me ded. et per hanc meam cartam conf. Deo et S. Hyldæ de Whiteby, et mon. ib. Deo serv. t'ram quam Reginaldus Poer de me tenuit in Thorp—scil. sex bovatas t'ræ, cum prato ad eas pertinente, et cum communi aisiamento ejusdem villæ; et iiii^{or} mansuras in Eboraco—tres, scil. in Sceldergata et unam super ripam fluminis Usæ, pro a. mea et pro a'abus hæredum et parentum meorum, in lib. et pur. et perp. elemosinam, ab omni servitio et consuet. et exactione sæculari quietam, ut ego et hær. mei, in vita et in morte, specialiter simus in orationibus eorum. Ego autem et hær. mei hanc elem. et donationem prænom. Mon. de Whiteby warentizabimus c. o. h.: et si, aliquo casu, eam illis non poterimus warentizare, dabimus illis excambium ad valentiam. Hiis testibus. Willelmo de Steinegrive. Rogero de Flamevile. Waltero de

[1] See last charter and the next, etc.

Templo. Waltero de Turchilby. Waltero de la Rivere. Willelmo de Magneby. Diriv. Willelmo de Houchesgard. Hyvone de Ugylbardby. Cliberno Biscop. Normanno Coco. Hugone Hospitario. Gaufrido de Bosco. Thoraldo Francigena; et multis aliis.

CCLXXXVI. Carta de eodem Thorp juxta Eboracum.

(73^{b}) Henricus, Rex Angliæ, et Dux Normanniæ et Aquit., et comes Andegaviæ, Justiciariis, Vicecomitibus et omnibus fidelibus suis de Eboracashira, salutem. Sciatis quod ego concessi et confirmavi Ecclesiæ de Whiteby et mon. ib. Deo serv. sex bov. t'ræ in Thorp, cum pert. suis, et iiii^{or} mansuras in Eboraco quæ fuerunt Reginaldi le Poer, in perp. elem., lib. et quietam ab omni servitio sæculari, sicut carta Rogeri de Mulbray, quam præd. Monachi inde habent, testatur. Teste. Ricardo Humet,[1] Constabulario. Apud Notyngham.

CCLXXXVII. Thorp.

Richard Basy, on behalf of his wife Matilda, formerly wife of John, son of William Bustard, holds himself bound to pay the adequate proportion of twenty shillings, rent of six bovates in Thorp.

Hæc Indentura, facta inter Religiosos Viros, Abbatem et Conv. Monasterii de Whiteby, ex parte una, et Ricardum Basy, virum Matildis, quondam uxoris Johannis filii Roberti Bustard, ex altera, testatur—Quod cum dictus Robertus Bustard tenuit de præd. Abbate et Conv. de Whiteby sex bov. t'ræ, cum pert., in Thorp Malteby, faciendo inde eisdem Religiosis quendam redditum servitii viginti sol. per annum, ad f. Pent. et f. S. Martini in hyeme, per æquales portiones; quem quidem redditum servitii viginti sol. ipse Robertus et antecessores sui eisdem Religiosis, Abbati et Conv., et prædecessoribus suis reddiderunt; idem Ricardus concedit et recognoscit se solvere eisdem viris Religiosis ratam portionem præd. redditus servitii xx^{ti} s., pro quantitate dictarum sex bovatarum t'ræ, cum pert. ratione dictæ Matildis, uxoris suæ in manu sua existente, vita ipsius Matildis durante. In cujus rei test. parti istius indenturæ penes dictum Ricardum residenti præd. Abbas sig. suum apposuit, altera vero parte sig. ejusdem Ricardi consignata.

[1] Constable of Normandy, 2 Henr. II., and later. See preceding Charters.

Datum apud Eboracum tertio die Februarii, A. D. millesimo tricentesimo quadragesimo tertio.

CCLXXXVIII. Carta alia de eodem Thorp juxta Eboracum. [M. 115b.]

(74) Ceste endenture faite entre Labbe et le Covente de Whiteby, dune parte, et Robert le fiȝ Johan Bustard[1] de Bustardthorp, daultre parte, tesmoigne qe come les auncestres mesmes[2] cesti Robert tindrent sis bouetȝ de terre, ove[3] les apartenances, en Thorp Malteby de les avauntditȝ Abbe et Covente, et de mesmes ces[4] sis bovetȝ de terre firent une rente service de vint soutȝ as avauntditȝ Abbe et Covente, de an en an, a les festes de Seint Martin en yver et Pentecoste, par oweles portions; de quele rente service de vint soutȝ les avauntditȝ Abbe et Covente et lour predecessours furent seisis du temps dunt memoire ne court de les auncestres mesmes cesti Robert, taunt qe Richard Basy prist Maude, mere mesmes cesti Robert, a femme, le quel Richard lavaundite rente service de de vint soutȝ ascune foiȝ recusa[5] rendre: Lavaundit Robert voet et graunt, pur lui et ses heirs, rendre a les avauntditȝ Abbe et Covente et a lour successours la portion de la dite rente service de vint soutȝ, pur la quantite de les sis boue[t]ȝ de terre en sa main esteaunt, a terme de la vie lavaundite Maude, sa mere,[6] et femme le dit Richard. Et lavauntdit Robert voet et re-[c]onoist pur lui, ses heirs, et ses assigneȝ, rendre touȝ les ans avenirs apres le decees[7] la dite Maude, sa mere,[8] avaun[t]ditȝ Abbe et Covente et a lour successours lavaun[t]dite rente service de vint soutȝ as[9] termes susnomeȝ, et touȝ jours. En tesmoignance de quele chose aussi bien le dit Abbe come lavauntdit Robert, le fiȝ Johan Bustard, a ceste endenture entre-changeablement ount mis lour seales. Donne a Euerwyk le terȝ jour de Feverer,[10] lan de notre Seignur mille treis centȝ quaraunte tierȝ.

[1] See last deed and the two which follow the present one.
[2] *morsmes.*
[3] *ou.* M. ove.
[4] *meismes ors.* M. mesmes ces.
[5] *renisa.* M. recusa.
[6] *more.*
[7] *deors.* M. decees.
[8] A. inserts *et* here.
[9] *ad.* M. as.
[10] M. feu'yer.

CCLXXXIX. Carta de eodem Thorp in Anglicis.

(74b) This endenture mayd betwyx the Abbote and the Couent of Whiteby, of the oon partye, and Robert the son of Johann Bustard, of Bustardthorp, of ye other partye, wytness that whar the auncestres of the same Robert held vi oxgange of land wit[h] the apurtinaunce in Thorp Malteby of ye aforsayd Abbote and Couent, and of thies same vi oxgange of land made an rent seruice of twenti shillyns to ye aforsayd Abbote and Couent fro ȝer to ȝere at ye festes of Saynt Martyn in Wynter [and] Wytsonday, be evyn portions, of whilk rent ceruice of twenty shillyngs the aforsayd Abbote and Couent and yr predecessours war seysid of tyme of whilk no mynd es of ye auncestres of yis same Robert vn to tyme that Richard Basy toke Mawde, moder of this same Robert, to wyfe, whilk Richard the aforsayd rente seruice of twenti shillyngs some tyem refused to pay :—The forsayd Robert wylle and grantys for hym and hys heirs to pay to the aforsayd Abbote and Couent and to yr successours the portion of the sayd rente seruice of twenty shillyngs for the quantite of ye vi oxgange of land in his hande beynge, for terme of the lyfe of the aforsayd Mawde, his moder, and wife to ye sayd Richard: and ye aforsayd Robert wylle and knawlegs for hym, his heirs and his assignes, to pay alle the ȝers for to come after the decese of the sayd Mawde, his moder, to the aforsayd Abbote and Couent, and to yr successours, the aforsayd rente seruice of twenti shillyngs at ye termys above namyd for evermore. In wytness of whilk thynge also we, the sayd Abbote, as ye aforsayd Robert the son [of] John Bustard, to this endenture ethere to othere have (75) putt ther seyls. Gyfuen at ȝork, the third Day of Feuerȝere, the ȝer of owr Lord. mill. ccc. xliii.

CCXC. Alia carta de Thorp juxta Eboracum.

Acorde est par ceste endenture escrete a Everwyk[1] le unzime[2] jour de Maii lan du regne le Roy Edward tierce du conqueste tierce, entre religious hommes Labbe et Covente de Whiteby, dune parte, et Richard Basy, dautre, que com le dit Richard sey

[1] *escrete a Everwyk* omitted in M. [2] M. vyntisme.

conust a tenire ses boues de terre od les apurtenaunces en Thorp Malteby susditȝ Abbe et Covent par feance[1] e la rente de vint soutȝ annuelment, les queles sount de lur fee e lur seygnourye, come dreit[2] Wauter, fiz et heire Johanne de Bustardthorp, que del dit[3] Abbe deit tenire par les servises de sus nomȝ, de la quele rente ascuns arerages[4] esteint duues par debat' esteaunte entre le ditȝ parties, dunt[5] le dit Abbe, de sa bone voilaunce et amiablement ad relesse au dit Richard teuȝ les arerages de la dite rente a luy dewes tanque au terme de la Pentecoste procheine suaunt.[6] E le dit Richard graunt et conust sey estre entendaunte au dite Abbe et ses Ministres de la rente de vint soutȝ per an, com son tenaunt des terres en Thorp Malteby desus nomeȝ. En tesmoygn des queus choses as cestes endentures les parties unt' seaus mys chaunjablement. Escrite a Everwyk le jour et le an susditȝ.

CCXCI. Lis mota pro decimis de Tametona.

Memorandum quod mota dudum contentione inter Abbatem et Conv. de Whiteby, Rectores ecclesiæ de Atona, et Laurentium de Wylton,[7] Rectorem eccl. de Stokesley, tempore Mathei[8] Archidiaconi Clivelandiæ, coram Magistro J[ohanne][9] Newerk, ejus officiali, et Willelmo de Bolleby, Decano, in Capitulo Clyvelandiæ, super medietatem decimarum agnorum, lanæ, lactagii et porcellorum, provenientium de domo Willelmi,[10] tunc

[1] M. fealte. [2] *drete ;* M. dreit. [3] *tit.*
[4] M. arrerages. [5] M. dount. [6] M. ensuyaunt.

[7] Laur. de Wilton is a witness to one of the Yarm Hospital documents given in Dugdale, and a cotemporary thereas with Alan de Wilton who died in 1230, as well as with Laurence Prior of Gyseburn, who was "quondam Prior" in 1219.

[8] Archdeacon in 1225.—(Le Neve.)

[9] In No. 491, he is "Johan' de Newerc, tunc official. Clyveland'."

[10] In the Helagh Park Chartulary (Cott. MSS., Vesp. A. 4) are several charters in which more than one of the persons metioned in the present deed figure either as donors or witnesses, and among them "Willelmus dominus de Tameton." On f. 108, Will. de Mubray de Tamton in Cleveland makes grant of the homage and service of Will. de Sexon, etc., and confirms the same, f. 109b. On f. 110 Will. de Moubray, for the good of his soul and that of his brother, Will. de Tamton, grants the homage and service due for a carucate of land in Skutherskelf, etc. Walter de Mubray is witness to a deed by Stephen de Meynell on f. 57, and all the documents in question date 1225-1235. Radulf. de Tampton (Tameton) also is witness to a deed of the same Stephen de Meynell's, dated at Byland in 1230, as also to No. 119,

d'ni de Tameton, ipsis Abbate et Conventu medietatem dictarum decimarum tunc (75[b]) percipientibus, possidentibus, parte vero dicti Laurentii ipsas decimas ad eccl. de Stokesley integre pertinere asserente, ratione juris communis—scil. eo quod domus de qua dictæ decimæ proveniebant sita fuit infra limites parochiæ de Stokesley. Tandem, facta inquisitione diligenter, tam super possessione, quam jure dictorum Abbatis et Conv., quod habebant in dictis decimis ratione pasturæ territorii de Atona, in qua averia d'norum predictæ domus de Tametona pascebantur, decretum fuit prædictos Abbatem et Conv. medietatem dictarum decimarum juste [possidere],[1] et ad eccl. suam de Atona de consuetudine approbata et optenta pertinere. Suscitata vero postmodum super eisdem decimis contentione per procuratores Stephani, Rectoris dictæ ecclesiæ de Stokesley, contra præfatos Abbatem et Conv., temporibus Serlonis, Johannis et Rogeri Archidiaconorum Clyvelandiæ, Radulfo [de] Tametona. Johanne Medico, Waltero de Mubray, et Willelmo filio ejus villam de Tametona successive tenentibus, per sacramentum Decani, Vicariorum et Capellanorum Capituli Clyvelandiæ recognitum fuit sæpedictos Abbatem et Conv. medietatem dictarum decimarum, sine omni contentione, debere percipere. In cujus rei testimonium J . . ., Rector ecclesiæ de Loftus, Decanus Clyvelandiæ; Magister de Newerk; Willelmus de Stokesley, Rector eccl. de Elvinton; de Kyrkeby, de Ormesby, de Rudeby, de

of some few years earlier date. It is apparent that "Will. dominus de Tamton" is the earliest, though only by three to five years, at most, in point of time, for Archdeacon Serlo and John are placed by Le Neve in 1231, 1230 respectively (Roger not being named at all by him), while Matthew is in office in 1225. Still it is very difficult to make out what the connection between the several persons named really was, or to account for the rapid succession in the *tenentes* of the Tampton "domus" or "manerium," that among the Archdeacons being, strange to say, equally rapid. The fraternal tie between William de Mubray de Tampton and William de Tampton is also, to say the least of it, noteworthy. Is it possible that the William de Tameton, Seneschal of Peter de Brus I. was a Mowbray, and also the William "dominus de Tampton" in Archdeacon Matthew's time, and that Radulfus succeeded him, giving place almost immediately to Joh. Medicus, and the latter as speedily to Walter de Mubray and his son William, by reversion to the original family ?

[1] Some verb is required here, and probably the word supplied may represent it.

Marton, et de Mersk Vicarii, huic scripto sigilla sua apposuerunt.

CCXCII. Lis mota pro decimis de Nunthorp.

Omnibus has litteras vis. vel aud. Serlo,[1] Archidiaconus Clyvelandiæ, eternam in Domino salutem. Noverit univ. v. quod, cum mota fuisset contraversia inter Rogerum Abbatem et Conv. de Whiteby, ex. una parte, et Susannam Priorissam et Conv. de Basedale,[2] ex altera, coram me in Capitulo Clyvelandiæ, super decimas garbarum de Gugleflat et Plumtreflat, in t'ritorio de Nunthorp,[3] et (76) decimis molendini dictarum Monialium in Nunthorp, et decimis prati proprii earundem in dicto t'ritorio, quas quidem decimas dicti Abbas et Conv. petierunt tanquam spectantes ad eccl. suam de Aton:—Tandem lis, coram me et aliis viris discretis amicabiliter sopita, quievit —ita videl. quod præd. Abbas et Conv. decimas garbarum de Plumtreflat et decimas præd. prati dictis monialibus ex dono suo imperp. dederunt et quietas clamaverunt. Prædictæ vero moniales decimas garbarum de Gugleflat et molendini sui de Nunthorp ecclesiæ de Aton devote solvent imperpetuum. In cujus rei test. sig. nostrum huic scripto, una cum sigillo Capituli de Whiteby, apposuimus, et simili scripto sig. nostrum una cum sigillo Capituli de Basedale.

CCXCIII. Carta contra Abbatem et Conventum de Melsa.

Hæc indentura testatur quod, cum Abbas et Conv. de Melsa habeant et teneant de Abbate et Conv. de Whiteby unum mesuagium, cum pert., jacens in suburbio civitatis Eboracensis, in vico vocato Fychergate, juxta ecclesiam Omn. Sanctorum,

[1] Archdeacon in 1231 (Le Neve), which approximately settles the date of the document. See last deed.

[2] "A small Cistercian Nunnery, placed at first at Hoton by Ralph de Nevill, *c.* 1162, thence removed to Thorp (now Nunthorp), and towards the latter part of Henr. II., by the benefaction of Guido de Bovincourt, settled at Basedale in the parish of Stokesley, and dedicated to the blessed Virgin. It had a prioress and nine or ten nuns," etc.—(Burton, pp. 250, 251.)

[3] "Ralph de Nevile gave two carucates and an oxgang of land, with a mill, in this township (Thorp or Nunthorp), which was confirmed to them by Henr. III. And Ernald de Perci and Adam de Brus gave licence to the said Ralph to found a priory for nuns here."—(*Ib.*)

per servitium quinque solidorum argenti eisdem Abbati et Conv. de Whiteby et eorum successoribus annuatim solvendorum, ad festa S. Martini in yeme et Pentecostes, per æquales portiones, pro omni servitio, prout in scripto inde eisdem confecto plenarie continetur, ac super arreragiis præd. quinque solidorum argenti lis mota fuisset inter eosdem; tandem prædicti Abbas et Conv. de Whiteby omnia arreragia præd. quinque sol. prædictis Abbati et Conv. de Melsa, usque diem confectionis præsentium, omnino remittunt. Et inde præd. Abbas et Conv. de Melsa, pro se et successoribus suis, volunt et [per] tenorem præsentium concedunt, quod si redditus præd. quinque sol. argenti, ad aliquem terminum, in parte vel in toto a retro fuerit non solutus, liceat eisdem Abbati et Conv. de Whiteby et eorum successoribus, tam in Manerio suo de Octona, (76^{b}) cum pert., quam in dicto mesuagio, pro libito suo ubique distringere et districtiones retinere, quousque de præd. redditu quinque sol. argenti, cum omnibus arreragiis [si quæ fuerint] post datum præsentium, eisdem Abbati et Conventui de Whiteby plenarie fuerit satisfactum. In cujus rei test. parti istius indenturæ penes præd. Abbatem et Conv. de Whiteby residenti præd. Abbas et Conv. de Melsa sig. suum commune apposuerunt; altera vero parte sig. communi prædictorum Abbatis et Conv. de Whiteby consignata. Datum apud Melsam die Jovis in festo S. Leonardi Abbatis, A. D. millesimo ccc^{mo} quadragesimo octavo.

CCXCIV. Conventio inter Fratres Minores Eboracenses de fonte Manerii nostri in Fichergatr.

Omnibus hoc scr. vis. vel aud. Robertus,[1] D. G., Abbas de Whiteby et ejusdem loci Conv. s. in Domino. Noverit univ. v. nos, pro nobis et success. nostris, d., c. et hoc. pr. scr. conf. D'no Guichardo de Sharrom et hær. suis, vel assignatis, fontem nostrum qui est in fossa australi areæ [2] nostræ apud Eboracum, ad conductum aquæ faciendum in eadem fossa, extra dictæ areæ claus[t]urum, ad opus Fratrum Minorum ejusdem Civi-

[1] Robert de Langtoft, successor of William de Briniston, who died in 1265. Robert died himself in 1278.

[2] *arreæ.*

tatis:—ita tamen quod per præd. Fratres, vel aliquem ex parte eorum, nullum dictæ areæ seu clausturi, vel etiam ibi crescentium, incurrimus detrimentum seu gravamen, vel aquæ infra curiam nostram existentis minorationem. Et si forte contingit nos aut nostros, vel etiam successores nostros, negligentia vel defectu dictorum Fratrum vel suorum [successorum], aliquid detrimentum vel gravamen dictæ areæ nostræ, claus[t]uri, vel etiam ibi crescentium, seu aquæ minorationem et defectum incurrere, nisi dicti Fratres, qui pro tempore fuerint, dictum detrimentum vel gravamen, infra mensem postquam a nobis vel nostris præmuniti fuerint, ad plenum correxerint, de congrua satisfactione emendaverint, (77) volumus quod ista carta, donatio et concessio ex tunc viribus careat et omnino adnichiletur, ita quod nos et success. nostri possimus dictum fontem et conductum, sine contradictione vel impedimento dicti domini Guichardi, hæredum et assignatorum suorum, vel etiam dictorum Fratrum Minorum, infra dictam aream destruere et pro libito nostro obturare. Et sciendum quod nec dominus Guichardus nec hær. sui, vel assignati, nec etiam dicti Fratres Minores, aliquid jus, dominium, vel ingressum sibi vel suis infra præd. curiam nostram, occasione hujus concessionis, aliquatinus vendicabunt. Et ut hæc omnia, prout supradictum est, robur firmitatis imperpetuum optineant, presens scr., in modum cyrographi confectum, mutuis sigillis nostris est signatum; ita quod nos parti dictorum Fratrum sig. Capituli nostri apposuimus, et dictus dominus Guichardus parti nostræ sig. suum apposuit.

CCXCV. Conventio inter Magistrum Sancti Leonardi Eboraci.

Anno Gr. millesimo, ducentesimo, quadragesimo octavo, in crastino S. Barnabæ Apostoli, lis mota a Magistro et fratribus Hospitalis[1] S. Petri Eboraci, contra Abbatem et Conv. de Whiteby, coram Precentore de Huntyngtona, judice a D'no Papa delegato, super travis quarundam carucatarum ipsorum Abbatis et Conv., amicabiliter conquievit in hunc modum:—scil. quod idem Abbas et Conv. immunes erunt a præstatione travarum de omnibus carucis excolentibus terras quæ suæ pro-

[1] See No. 267.

priæ fuerunt die istius compositionis; similiter et de omnibus assartis suis, factis vel faciendis; similiter et de moris in dominico suo, immunes erunt a dicta præstatione travarum, si ea propriis sumptibus excoluerint. Si vero homines sui, liberi vel nativi, vel firmarii, hujusmodi terras vel alias excoluerint, travas de eisdem persolvent. Si autem contingat quod terras nativorum de dominico suo, quas tempore hujus compositionis excoluerint nativi, voluerint ipsi Abbas et Conv. excolere, immunes erunt. Similiter et de t'ris propriis, quas ante (77b) compositionem[1] ad firmam tradiderant, quieti erunt cum ad manus suas redierint, omni tempore, scil. quo eas propriis sumptibus excoluerint. Si autem contingat quod præd. Abbas et Conv., post hanc compositionem, aliquas terras alias quam prenominatæ sunt ad firmam ceperint, vel alio modo adquisierint, de quibus præd. Magister et fratres bladum percipere consueverint, præfati Abbas et Conv. de singulis carucis illas terras colentibus singulas travas annuas persolvent, vel alias satisfacient. Pro hac autem concessione et quieta clamatione a præstatione travarum, ut prædictum est, imperpetuum dabunt præfati Abbas et Conv., et solvent, singulis annis, certo assignato prædictorum Magistri et fratrum tria Milia allecis boni et pacabilis, in crastino S. Andreæ Apostoli,[2] apud Thorntone in valle de Pykerynge imperpetuum. Et ne alteruter partium huic compositioni[1] posset aliquo tempore contradicere utraque pars se jurisdictioni Decani et Capituli Eboraci subjecit, ut partem quæ contra ipsam compositionem venire presumpserit ad ipsius observationem in omnibus, appellatione remota, posset compellere. In cujus autem compositionis robur et testimonium prædictorum Abbatis et Conv., et Magistri et Fratrum, necnon Decani et Capituli S. Petri Eboraci, huic scripto, in modum cyrographi facto, sigilla sunt apposita.

CCXCVI. Confirmatio omnium ecclesiarum nostrarum per Johannem Archiepiscopum Eboracensem.

(77b) Noverint universi quod nos, Johannes,[3] permissione

[1] *composissionem*. [2] *appostoli*.

[3] There are a few unimportant variations in the spelling of place-names, as, *e.g.* Fylinga for Philinch, Fychergate for Phischergate, Abbas S. Mariæ, Ebor. for Abbas Ebor., Canonicus for Chanonicus, Odo, Presbiter de Brumpton, for Hodo Presb', and Edmundus for Hedmundus (otherwise as in No. 198).

divina, Eboraci Archie'pus, Angliæ Primas, cartas et scripta venerabilium patrum, dominorum Turstani, Henrici, Willelmi, Rogeri, prædecessorum nostrorum, inspeximus sub hac forma:—Thurstinus, D. G. Eboraci Archie'pus, Capitulo S. Petri Ebor. et omn. parochianis suis, s. et Dei benedictionem. Nostri ministerii est terras et possessi(78)ones ecclesiasticas [*etc. as in No.* 198].

Item:—Henricus, D. G., Eboraci Archie'pus. R[oberto] Decano et Capitulo S. Petri, et omn. parochianis suis, s. et Dei benedictionem. Ad episcopalem [*etc., as in No.* 199, *as far as* "de synodo," *after which it varies as follows*:][1]—Præterea vero, præd. Ecclesiæ S. P. et S. Hyldæ de Whiteby, et mon. ib. Deo serv., conc. et conf., in elem. perp., quod Reges Angliæ dederunt et conf.—videl. omn. libertates et dignitates Ecclesiæ S. Johannis de Beverlaco et Eccl. S. Wilfridi de Rypon, et Eccl. S. Petri de Eboraco. Concedimus etiam Monasterio de Whiteby et mon. ejusdem loci eccl. Omn. Sanctorum de Fychergate in Eboraco, cum pert. suis, quæ propria cella est monachorum de Whiteby, liberam et quietam ab omni episcopali consue(79)tudine, quam Willelmus et Henricus, Reges Angliæ, antedicto Monasterio S. P. et S. Hyldæ de Whiteby dederunt, cum tali libertate qualem habent Eccl. S. Joh. de Beverlaco et Eccl. S. Wylfridi de Rypon, ut ibi aliqui monachi de Whiteby jugiter maneant et servitium Dei ib. pro Regibus Angliæ et hæredibus eorum continue celebrent. Similiter concedimus et confirmamus Monasterio de Whiteby et mon. ejusdem loci, ferrum judiciale, cum pert. suis, et fossam, cum omnibus quæ ad eam pertinent. Concedimus etiam et confirmamus præd. Mon'io de Whiteby eccl. S. Hyldæ de Midilsburgh, cum pert. suis, quæ est cella mon. prænominatorum., lib. et qu. ab omni episcopali consuetudine. Ecclesiam vero S. Petri de Haknesse, quæ similiter propria est cella monachorum de Whiteby, in perp. elem. confirmamus. Hii sunt testes. Savaricus, Abbas Ebor. Aelredus,[2] Abbas Rievallensis. Bernardus, Prior de Bridlingtona.[3] Cuthbertus, Prior de Gysburn.[4] Galfridus, Prior de Kyrkeham.[5] Robertus Archidiaconus.

[1] There are variations in spelling as before, but none of interest or importance.
[2] Hailredus, Abb' Riewall' in No. 199.
[3] Omitted in No. 199.
[4] *Gisburnia.*
[5] *Kerkam.*

Item:—Willelmus, D. G. Eboraci Archie'pus, Capitulo Sancti Petri et omnibus parochianis suis, salutem [*etc., as in No.* 200].[1]

Item:—Rogerus, D. G. Eboraci Archie'pus, R[oberto] Decano et Capitulo S. Petri, cum omnibus parochianis suis, salutem [*etc., as in No.* 55].[2]

Nos, igitur, prædictas concessiones et confirmationes specialiter approbantes, ipsas, quantum ad nos pertinet, confirmamus, salva nostræ Eboracensis Ecclesiæ in omnibus dignitate, et juribus etiam ad ipsam Eccl. Eboracensem pertinentibus in omnibus semper salvis. In quarum inspectionis, approbationis et confirmationis testimonium sigillum nostrum litteris fecimus hiis appendi. Datum apud Burton juxta Beverlacum xiiii° kalendas Aprilis, A. G. millesimo, ducentesimo, octogesimo nono, et Pontificatus[3] nostri quinto.

CCXCVII. Confirmatio Domini Roberti[4] Eboraci Archiepiscopi.

Rogerus, D. G. Eboraci Archiep'us, Apostolicæ Sedis Legatus, omnibus S. E. filiis, salutem. Ad episcopalem spectat sollicitudinem, etc.

CCXCVIII. Confirmatio Domini Arnaldi Axitanensis Archiepiscopi, D'ni Papæ Camerarii.

Universis pr. litteras inspecturis, Arnaldus, p. d. Archiepiscopus Anxitanensis, D'ni Papæ Camerarius, in Domino salutem. Universitati v. tenore præsentium notum facimus atque manifestum quod eccl. parochialis de Hoton Buscell, in decanatu Clivelandiæ, Eboraci dioceseos, est divisa,[5] et pars Radulphi de

[1] With a few additional witnesses; after Rob. de Hospitali are these—Rogerus Presbiter, Rad. Presbiter, Wivianus Presb', Godefridus Presb', Albertus Diac', Galfridus de Boys, Rodbertus Coquus.

[2] With these witnesses additional:—Alano Canonico, Radulfo Capellano, Will. Capellano et Rad. Presbitero de Whiteby.

[3] John Romanus, 128$\frac{5}{6}$-1296. He was consecrated at Rome, Feb. 10, 128$\frac{5}{6}$, consequently on the 19th March (14 kalends April) he would not long have entered on the fifth year of his pontificate.

[4] Simply another copy of No. 44, with Robertus miswritten, both in the heading and in the deed itself, for Rogerus.

[5] See No. 565.

Huley in dicta eccl., præter pensionem, est taxata pro decima ad decem et octo marcas; pars, vero, Ricardi de Taunton in eadem eccl., præter pensionem, est taxata ad viginti marcas; et pensio Abbatis de Whiteby de utroque Rectore dictæ eccl. de Hoton, pro æqualibus portionibus, ad quadraginta solidos, prout in quodam registro Cameræ apostolicæ beneficiorum taxatorum Regum Angliæ continetur, et reperitur scriptum. In cujus rei t. pr. litteris sig. Camerariatus nostri apponi fecimus, inpendenti dato et sumpto de dicto registro de mandato nostro, die sexta decima mensis Octobris, A. D. millesimo, ccc, sexagesimo quarto, indictionis secundæ pontificatus sanctissimi Patris et D'ni nostri, Urbani, d. prudentia Papæ quinti, anno secundo.

CCXCIX. Pro pensione de Kyrkeby.

In Dei nomine, Amen. Auditis et intellectis meritis causæ, tam petitoris quam possessoris, super petitione quinque marcarum, nomine annuæ pensionis ab eccl. de Kyrkeby in Clyvelandia debitæ,[1] motæ coram nobis, Officiari' Curiæ Eboracensis Commissario Generali, inter Religiosos viros, Abbatem et Conv. Mon'ii de Whiteby, (81[b]) dictæ ecclesiæ patronos, per magistrum Willelmum de Hundmanby, procuratorem eorundem, comparentes auctores, ex parte una, et M'rum Robertum de Hesellerton, dictæ eccl. de Kyrkeby rectorem, per contumaciam absentem, cujus absentia Dei præsentia repleatur, reum, ex altera, dicta libello verborum et subscriptorum seriem continente:[2]—In Dei nomine, Amen. Coram vobis, d'ne Judex, dicit et in jure proponit procurator Religiosorum virorum, Abbatis et Conv. Mon'ii de Whiteby, notorum patronorum ecclesiæ de Kyrkeby in Clivelandia, nomine procuratoris pro eisdem et Mon. suo antedicto, contra M'rum Robertum de Heslerton, qui se gerit pro Rectore ecclesiæ de Kyrkeby prædictæ, et contra quemlibet pro eodem in judicio legitime comparentem, et quod, licet dicti Religiosi, patroni memorati, suo et dicti Monasterii sui nomine, fuissent et essent bona fide in plena, pacifica, canonica et sufficienti possessione, vel quasi juris percipiendi et habendi annuam pensionem quinque marcarum annuarum perpetuarum ab eccl. prædicta et rec-

[1] *debita.*

[2] The sentence is obscure, probably through some omission.

toribus ejusdem, qui pro temporibus fuerant, et a tempore et per tempus cujus contrarii memoria non existit, et prædictus tamen Magister Robertus de dicta pensione antiqua et notorie debita dictis Religiosis satisfacere non curat, sed per quatuor annos proxime præteritos, pro quibus ut Rector tenuit eccl. antedictam, recusavit et recusat injuste, ac ipsos Religiosos dicta sua possessione spoliavit, temere spoliarive mandavit, seu spoliationem nomine suo factam ratam habuit ex post facto pariter et acceptam, in animæ suæ periculum, et dict. Religiosorum et Mon'ii sui præjudicium[1] non modicum et gravamen:—Quare petit dictus procurator, nomine procuratoris antedicti probati in hoc casu de jure probando, jus percipiendi præd. annuam pensionem præfatis Religiosis et dicto suo Mon'io competere, per vos, domine Judex, specialiter et diffinitive[2] declarari et pronuntiari, ac ipsos et dictum suum Mon'ium ad præfatam suam possessionem restitui, et eam sibi, cum ea integritate qua (82) convenit, reformari et redintegrari et fieri, secundum qualitatem præmissorum in omnibus et singulis justitiæ complementum. Hæc dicit, proponit et petit, conjunctim et divisim, ut quatinus de præmissis probatum fuerit, seu detectum, eatenus divisum fiat in singulis quod est justum, declarandi et omni alio juris beneficio semper salvo, licet ad eundem legitime contestata, juramento a partibus ipsis hinc inde præstito de calumpnia et de veritate dicenda, secundum ipsius causæ qualitatem et naturam, traditis possessionibus et secutis responsionibus, ad easdem productis testibus juratis, examinatis, et eorum dictis publicatis, jurisque ordine quem hoc casu requiritis in omnibus observato. Quia invenimus dictos Religiosos intentionem suam, coram nobis in judicio deductam, tam per confessionem dictæ partis reæ quam per prolationes coram nobis judicialiter inductas, sufficientur probavisse, jus percipiendi præd. pensionem annuam præfatis Religiosis et dicto suo Mon'io competere pronuntiamus et declaramus, ipsosque et dictum suum Mon'ium ad præfatam suam possessionem restituimus, et eam eis cum ea integritate qua convenit reformamus et redintegramus sententialiter et diffinitive in hiis scriptis, et dictam partem ream in expensis, quatinus de jure venire debeant, taxandam et jurandam con-

[1] *suum*, redundant, omitted. [2] *diffinative*.

demnamus, taxatione eorundem nobis reservata. In cujus rei test. sig. officii nostri præsentibus est appensum. Actum et datum apud Eboracum xiii kalendas Junii, A. G. millesimo, tricentesimo, vicesimo octavo.

CCC. De pensionibus ecclesiarum nostrarum.

In Dei nomine. Amen. Nos Johannes,[1] p. d. Eboracensis Archiep'us, Angliæ Primas et Apostolicæ Sedis Legatus, pridem ex officii nostri debit[o] Archidiac[onatus] Estrydyngæ et Clivelandiæ, nostræ dioceseos, per certos nostros in hac parte commissarios specialiter (82[b]) deputatos, visitantes, comperimus quod Religiosi viri, Abbas et Conv. Monasterii de Whiteby, ejusdem nostræ dioceseos, contra jus commune ecclesias parochiales de Semar de Haknesse, de Whiteby, de Aton in Clevelandia, de Ingelby, et de Midilsburgh, cum capellis dependentibus ab eisdem; portiones etiam quasdam garbarum decimalium in ecclesiis de Nafreton, et Foxhols, necnon pensiones infrascriptas—videl. de eccl. de Hoton-bussell, xl s., de eccl. [de] Sutton super Derwent, sex s. et octo d., de eccl. de Slenysby, xiii s. et iiii[or] d., de eccl. de Huntyntona, xiii s. et iiii[or] d., de eccl. de Kyrkeby in Clivelandia sexaginta sex s. et octo d., et de eccl. de Skyrpenbek, xiii s. et iiii[or] d. in usus suos proprios se habere prætendunt, ac fructus, redditus et proventus de dictis ecclesiis et capellis, portionibus et pensionibus provenientes percipiunt, et in usus proprios hujusmodi convertunt, perceperunt et converterunt [per] non modica tempora retroacta. Nos igitur super præmissis volentes procedere contra eos, eosdem Religiosos per dictos commissarios nostros ad certos diem et locum propositùros, ostensuros quicquid juris pro se haberent super assecutione et retentione dictarum ecclesiarum, capellarum, portionum, pensionum, ac perceptione fructuum, reddituum et proventuum eorundem, coram eisdem ad judicium mandavimus et fecimus advocari. Qui quidem Religiosi, per procuratorem sufficientem in hac parte potestatem habentem, certis [die] et loco eis, ut præmittitur, assignatis, comparentes, nonnullas litteras, tam apostolicas quam quorundem predecessorum nostrorum, et Capituli Ecclesiæ

[1] John de Thoresby, 1352-73.

nostræ Eboraci, et quam plurima monumenta exhibuerunt, quibus litteris et monumentis per eosdem commissarios et alios jurisperitos eis assistentes inspectis et diligenter examinatis, quia ut ex (83) certificatione dictorum commissariorum accepimus comptum, et ipsos Religiosos super assecutione et retentione dictarum ecclesiarum, capellarum, portionum, pensionum, ac perceptione fructuum, reddituum et proventuum pertinentium ad easdem, sufficienter fuisse et esse munitos, ipsos ab ulteriore impetitione officii nostri, quoad præmissa, dimittimus per præsentes, quibus sig. nostrum apponi fecimus in test. præmissorum. Datum apud Thorp juxta Eboracum, vicesimo secundo die mensis Augusti, A. D. millesimo ccc^{mo} sexagesimo tertio, et nostræ translationis undecimo.

CCCI. De pensionibus ecclesiarum per dominum Ricardum Archiepiscopum Eboraci.

In Dei n., Amen. Nos, Ricardus,[1] p. d. Eboraci Archiep'us, etc. Ex relatione plurium fide dignorum recepimus quod Religiosi viri, Abbas et Conv. Mon'ii de Whiteby,[2] nostræ dioceseos, eccl. parochiales de Semar, de Haknesse,[3] de Whiteby, de Aton, de Ingelby, de Midylsburgh,[4] cum capellis dependentibus ab eisdem, in usus suos proprios contra jus commune se habere prætendunt, portiones etiam quasdam garbarum decimalium in ecclesiis de Naffreton et Foxhols,[5] necnon pensiones infrascriptas—videl. de eccl. de Hotonbussell[6] quadraginta s., de eccl. de Sutton super Derwent, sex s. et octo d., de eccl. de Kyrkeby in Clivelandia,[7] sexaginta sex s. et octo d., de eccl. de Slingysby,[8] xiii s. et iiii^{or} d., de eccl. de Huntyngton,[9] xiii s^{s} et iiii^{or} d., et de eccl. de Skyrpenbek xiii s^{s} et iiii^{or} d., de facto percipiunt, fructusque, redditus, et proventus de præd. ecclesiis provenientes, necnon portiones et pensiones suprascriptas, in

1 Richard Scroope, 1398-1405, son of Richard Lord Scroope, Chancellor of England under Richard II., and the builder of Bolton Castle, North Riding. Copy of the present document is found f. 51 of Scroope's Register in the Registry at York, with only a few unimportant variations, chiefly in spelling, as noted below.

2 Whitby.

3 Hackenas.

4 Midelesburghe.

5 Foxholes.

6 Bushell only, the "Hoton" being omitted.

7 Clyveland.

8 Slyngesby.

9 Huntyngton.

usus suos proprios convertunt, perceperunt et [in] (83b) usus hujusmodi converterunt per non modica tempora retroacta; quodque in dictis ecclesiis de Haknesse,[1] de Whiteby,[2] Aton, Ingelby, et de Midilsburgh non sunt ordinatæ portiones vicariorum, nec perpetui [vicarii] instituti:—Volentes igitur super jure dictorum Religiosorum, si quod speciale pro se in hac parte haberent, plenius informari, eosdem Religiosos ad certos diem et locum super præmissis coram nobis ad judicium fecimus evocari. Quibus coram nobis per procuratorem suum, sufficientem in hac parte potestatem habentem, ad diem et locum eis assignatos, comparentibus, exhibitisque per procuratorem[3] eorundem Religiosorum nonnullis litteris, tam apostolicis quam quorumdem prædecessorum nostrorum, ac[4] aliis quam plurimis monimentis, quibus penes nos inspectis et diligenter examinatis, ac de jurisperitorum consilio nobis assistentium ad plenum discussis et rimatis:—Quia invenimus dictos Religiosos super assecutione dictarum ecclesiarum, perceptione fructuum, reddituum et proventuum, earundem necnon portionum et pensionum prædictarum, cæterisque omnibus suprascriptis sufficienter fuisse et esse munitos, ipsos ab ulteriori impetitione officii nostri, quoad præmissa, dimittimus per decretum,[5] jure nostro et success. nostrorum, ac libertate Eccl. nostræ Cathedralis Eboraci in omnibus semper salvis. Datum in Manerio nostro de Reste,[6] vicesimo die mensis Septembris A. D. millesimo cccc^{mo} secundo, et nostræ translationis quinto.

CCCII. Alia confirmatio Domini Henrici Archiepiscopi Eboracensis.

In Dei n., Amen. Nos Henricus,[7] p. D. Eboraci Archiepiscopus [*etc., verbatim as in last deed*]. Datum apud Stokesley, in visitationis nostræ progressu, septimo die mensis Julii, A. D. millesimo cccc decimo, et nostræ translationis anno tertio.

CCCIII. Pro capella de Fylynge.

In Dei nomine, Amen. Cum nos, Thomas Helwell,[8] Archidiaconus Clivelandiæ, in Ecclesia Eboracensi, in progressu visitationis quam nuper Archidiaconatu nostro Clivelandiæ, ex

[1] Hackenas. [2] Whitby. [3] *partem.* [4] *ab.*
[5] præsentes. [6] Rest. [7] Henry Bowett, 1407-1423.
[8] Thomas de Holwell, or Helewell, obtained the Archdeaconry 23d May

officii nostri debito, exercuimus, ecclesiam parochialem B. Mariæ de Whiteby Religiosis viris Abbati et Conv. de Whiteby canonice unitam et annexam, una cum capellis de Aselby, Ugylbardby, Dunsley et Haukesgarth, ab eadem eccl. dependentibus, xiii° die mensis Julii, A. D. millesimo ccc^{mo} quinquagesimo tertio, ac capellam de Fylynge, quam ecclesiam fore, et a nulla alia ecclesia dependere credebamus parochiale,[1] decimo quarto die dicti mensis, prout ad nos pertinet, visitaverimus, et visitationis officio sic inpenso, necnon de septem solidis et sex denariis qui nomine procuratorio, ratione visitationis dictæ ecclesiæ B. Mariæ et capellarum ab ea, ut præmittitur, dependentium, nobis debebantur plenarie satisfactis, alios septem solidos et sex denarios, tanquam nobis debitos nomine procuratorio, ratione visitationis dictæ capellæ de Fylynge per nos factæ, peti[i]ssemus, et exigere niteremur ab eisdem Religiosis ad proponendam et ostendendam causam rationabilem, si quam habe[re]nt, quare ad id in forma juris compelli non deberent, fecissemus coram vobis ad judicium evocari, pars (85) ipsorum Religiosorum per Johannem de Staynton, Clericum, procuratorem eorundem litteratorie constitutum in forma vocationis prædictæ coram nobis sufficienter comparens, lite per ipsum procuratorem ad petitionem nostram sibi traditam verbis negativis contestata, et secundum ipsius negotii qualitatem et naturam juramento de calumpnia et de veritate dicenda præstito corporali, allegavit et proposuit, nomine dominorum suorum prædictorum, quod dicta capella de Fylynge est, et semper a tempore constructionis ejusdem fuit notorie, capella dependens ab ecclesia B. Mariæ prædicta, ut ab ecclesia sua parochiali et matrice, ac infra fines et limites ipsius ecclesiæ notorie situatur, et quod nullam dotem, nec aliqua alia bona a dicta ecclesia sua matrice separata nec divisa, nec aliquem Personam vel Ministrum perpetuum habet ad ejus regimen, nec aliquo tempore habuit ordinatum, unicaque duntaxat procuratio Archidiaconalis quæ ad septem s. et sex d. per constitutionem super hoc editam moderatur, ratione visitationis dictæ ecclesiæ, et capellæ de

1351, *vice* John Ellevker, deceased. His appointment was ratified by the King.—(Le Neve, iii. 146.)

[1] *Parochialem.* In the next document, which is in this part nearly verbatim the same, it is *parochiali.*

Fylynge, et aliarum dictarum capellarum omnium et singularum a dicta Ecclesia dependentium, debetur, et solvi consuevit, ac, per solutionem unicæ procurationis Archidiaconalis, esse[1] omnino liberi et immunes a tempore et per tempus cujus initii memoria alicujus hominis non existit, nec a diu est, nec ante exactionem prædictam extabat:—Unde petiit idem Procurator, nomine quo supra, ut præmissis probatis, et in forma juris declaratis, dictos Religiosos, dominos suos, et se eorum nomine, in unica sola procuratione, in forma moderationis prædictæ, nobis et successoribus nostris, qui pro temporibus erunt Archidiaconi Clevelandiæ, cum dictam ecclesiam, (85[b]) capellam de Fylynge, et capellas prædictas a dicta ecclesia B. Mariæ dependentes, jure Archidiaconali visitare contigerit, solvenda obligatos esse, et per solutionem illius unicæ procurationis septem s. et sex denariorum liberos et quietos fore pronuntiare et declarare curaremus. Super quibus propositis per nos admissis, productis testibus, juratis et examinatis, ac nonnullis litteris et instrumentis autenticis exhibitis et productis, factaque publicatione omnium productorum et diligenti discussione earundem, ac juris ordine qui requiritur in omnibus observato:—Quia invenimus partem dictorum Religiosorum proposita sua et deducta sufficienter et legitime probavisse, unicam solam procurationem, ad septem s. et sex d. se extendentem, secundum formam constitutionis prædictæ, ratione visitationis Archidiaconi Clivelandiæ, nobis et successoribus nostris ratione visitationis dictæ ecclesiæ B. Mariæ, capellarum de Fylynge, Asselby, Ugylbardy, Dunsley et Haukysgarth, ab eadem ecclesiæ dependentium, deberi, et eosdem Religiosos ad majorem nec ulteriorem procurationem nobis seu successoribus nostris, ratione visitationis dictæ ecclesiæ et dictarum capellarum suarum, dependentium ab eadem, non teneri pronuntiamus et declaramus sententialiter et diffinitive in hiis scriptis. In quorum omnium test. sig. officii nostri præsentibus apposuimus. Datum apud Esyngwald, octavo die mensis Octobris, A. D. millesimo ccc quinquagesimo tertio.

[1] See the clause supplied before this infinitive in the corresponding part of the next document.

CCCIV. Pro capella de Fylynge.

Universis Christi fidelibus, ad quos pr. litteræ pervenerint, Willelmus Pelson,[1] Archidiaconus Clivelandiæ, in Ecclesia Eboracensi, salutem in amplexibus Salvatoris. Noverit universitas vestra quod, cum nos in progressu visitationis nostræ quam nuper in Archidiaconatu (86) nostro Clivelandiæ, ex officii nostri debito, exercuimus, ecclesiam parochialem B. Mariæ de Whiteby, ejusdem Archidiaconatus, Eboraci dioceseos, venerabilibus Religiosis viris Abbati et Conv. Monasterii Sanctorum P. et Hyldæ de Whiteby, Ordinis S. Benedicti, ejusdem dioceseos, canonice unitam et annexam, etc., ab eadem ecclesia parochiali B. M. dependentibus, decimo quinto die mensis Julii, A. D. millesimo cccc^{mo} xxxi^{o}, ac capellam de Fylynge quam ecclesiam fore, et a nulla alia ecclesia dependere credebamus parochiali, decimo sexto die dicti mensis Julii prout ad nos pertinet visitaverimus, [*etc., as in last deed as far as*] niteremur. Volentes igitur super jure dictorum Religiosorum virorum, Abbatis et Conv., si quod speciale pro se in hac parte haberent, plenius informari, eosdem Religiosos viros ad proponendam et ostendendam causam rationabilem, si quam haberent, quare ad id in forma juris compelli non deberent, superque præmissis ad certos diem et locum coram nobis fecissemus ad judicium evocari. Quibus quidem Religiosis viris, Abbate et Conv. Mon'ii de Whiteby, coram nobis per procuratorem sufficientem in hac parte potestatem habentem, ad diem et locum eis assignatos, in forma vocationis prædictæ comparentibus, liteque per prædictum procuratorem ipsorum Religiosorum virorum, Abbatis et Conv., ad hujusmodi petitionem nostram sibi traditam verbis (86^{b}) negativis contestata, et secundum ipsius negotii qualitatem et naturam, ac juramento per eundem procuratorem de calumpnia et de veritate dicenda præstito corporali, allegavitque et proposuit idem procurator nomine dominorum suorum prædictorum, etc., consuevit ac per solutionem unicæ procurationis hujusmodi dicti Religiosi consueverunt prout de jure et consuetudine debuerunt ab omni ulteriori exactione, nomine procurationis Archidiaconalis, esse omnino liberi et

[1] William Peleson, collated in 1414, *ob.* 28th August 1434.—(Le Neve, iii. 147.)

immunes a tempore et per tempus cujus initii memoriæ [*etc., as in last deed*] curaremus; productisque per eundem procuratorem nomine dictorum Abbatis et Conv., d'norum suorum, quam pluribus testibus super præmissis, quibus testibus per nos in forma juris admissis, juratis et examinatis, exhibitisque in hac parte per ipsum procuratorem nonnullis litteris, tam apostolicis quam quorundem prædecessorum nostrorum, ac instrumentis autenticis, aliisque quam plurimis monumentis, factaque publicatione omnium hujusmodi productorum et exhibitorum, quibus penes nos inspectis et diligenter examinatis, ac de jurisperitorum consilio nobis assistentium ad plenum discussis et rimatis, ac juris ordine qui requiritur in omnibus observato:—Quia invenimus partem dictorum Religiosorum virorum, Abbatis et Conv. Mon'ii SS. Petri et Hyldæ de Wyteby, hujusmodi proposita sua et deducta sufficienter et legitime probavisse unicam solam procurationem, ad septem solidos et sex denarios sterlingas se extendentem, secundum formam constitutionis prædictæ, ratione visitationis Archidiaconi Clivelandiæ [*etc., as in last*] et declaramus sententialiter et diffinitive in hiis scriptis; ipsosque Religiosos viros, Abbatem et Conv., ab ulteriori impetitione officii nostri in hac parte, quoad præmissa, dimittimus per decretum. Quæ omnia et singula supradicta vestræ universitati (87b) innotescimus per præsentes. In quorum omnium test. sig. nostrum præsentibus apposuimus. Datum apud Kyrkeby Mysperton, in visitationis nostræ progressu, sexto die mensis Augusti, A. D. millesimo cccc tricesimo quinto supradicto.

CCCV. De ecclesia de Sutton super Derwent.

In Dei n., Amen. Anno ab Incarnatione Domini millesimo ccc^mo[1] quinto, indictione tertia, die[2] quinto mensis Maii, in præsentia mei, Notarii Publici infrascripti, et testium subscriptorum, in Capitulo majoris Ecclesiæ B. Petri, Eboraci, Sede ejusdem vacante,[3] comparuerunt coram M'ro Roberto de

[1] Written xxx° instead of ccc°. There is a side-note in the hand, supposed to be possibly Gascoigne's—"desunt figuræ;" to which is subjoined, in a much more modern hand—"non desunt figuræ; for John de Wodhous, after mentioned, was made Rector in 1305, as the words and figures express. —J. B."

[2] *die* repeated.

[3] "Greenfield was elected by the Chapter of York, December 4, 1304;

Ryplingham,[1] Cancellario predictæ Eccl. Eborac., et M'ro Johanne de Craucumbe,[2] Archidiacono Estridynge, Canonico Eccl. memoratæ, tunc in civitate Eboracensi existentibus et locum dicti Capituli tenentibus, D'nus Thomas de Malton, Abbas Monasterii de Whiteby, Ebor. dioceseos, personaliter, et Conventus ejusdem Mon'ii per Henricum de Rillington, Clericum, procuratorem eorundem, prout michi Notario evidenter apparuit, per procuratoris sui inspectionem, dictusque Abbas pro se, et præd. Henricus pro Conventu, quandam præsentationem de M'ro Johanne de Wodhows,[3] Clerico, ad eccl. de Sutton super Derwent, tunc vacantem et ad eorum præsentationem, ut dicebant, spectantem, per ipsos Abbatem et Conv. factam, præd. Canonicis Capituli memorati porrexerunt et liberarunt, protestantes expresse coram eisdem quod tantummodo mero caritatis intuitu, ac spontanea et libera voluntate et non virtute alicujus juris vel causa nec interpellationis prædicti Capituli, præd. M'rum Johannem ad prædictum eccl. præsentarunt, quam quidem protestationem sic factam præd. Canonici Capituli præd. benigne acceptaverunt et illi unanimiter adquieverunt. Acta erant hæc (88) in Capitulo præd. sub anno, indictione, mense et die prænotatis, præsentibus M'ro Adam de Coupland, Rectore ecclesiæ de Foxhols, Ricardo Troufluf, et D'no Galfrido de Lanum, vicario Ecclesiæ B. Petri Eboraci, testibus ad præmissa vocatis et rogatis. Et ego, Hugo de Nassington, Clericus, Lincolniensis dioceseos, imperiali auctoritate Notarius Publicus, præmissis una cum prædictis testibus præsens interfui, et ea manu propria scripsi, et in hanc publicam formam redegi, signumque meum consuetum apposui rogatus.

but in consequence of the death of the Pope, Benedict x., some time elapsed before his consecration. He was at length consecrated by Clement v., at Lyons, January 30, 1306."—(King's *Northern Cathedrals*, i. 126.)

[1] Rob. de Riplingham, collated 8th July 1297. He was one of the messengers sent to the King with intelligence of the death of Archbishop Corbridge, 19th October 1304. He also brought to the King tidings of the death of Archbishop William de Grenefield. He died Archdeacon in 1332.—(Le Neve.)

[2] John de Craucumbe held this dignity (Archdeacon of the East Riding) in 30th October 1285, 17th May 1286, and in 1300. His will was proved in 1308.

[3] See No. 551 (dated 1323), where John de Wodehouse is described as commissary-general of Dionysius Avenel, official of the Archbishop's Court.

CCCVI. De ecclesiæ de Semar.

Omn. S. M. Ecclesiæ filiis, pr. scriptum vis. vel aud., Walterus de Gray, Rector ecclesiæ de Semar,[1] salutem in Domino. Noverit univ. v. me teneri Abbati et Conv. de Whiteby in quinque marcis annuis, nomine pensionis eisdem debitæ ab eccl. de Semar, et in tribus marcis annuis pro decimis garbarum de dominico ejusdem villæ, quas promisi eis fideliter me soluturum ad duos anni terminos, sacramento interna mente corporali—quatuor videl. m. ad Pent. et quatuor m. ad f. S. Martini in yeme. Si autem ita contigerit quod, in aliquo prædictorum terminorum, in solutione dictæ pecuniæ cessavero, promisi eisdem decem marcas nomine pœnæ rato, nichilominus manente debito principali. Et ad ista omnia fideliter observanda subjeci me præcise jurisdictioni D'ni Archie'pi Eboraci, qui pro tempore fuerit, ut sine omni strepitu judiciali possit me censura ecclesiastica ad solutionem, tam principalis debiti quam pœnæ, compellere. In cujus rei testimonium præsenti paginæ sig. meum apposui. Hiis testibus. D'no Waltero,[2] Archie'po Eboracense. Dominis Petro de Fikelden, Capellano. Willelmo de Langton, tunc Cancellario Domini Eboracensis. Reginaldo Clerico. (88[b]) Alano de Heser . . .[3] M'ro Reginaldo de Fykewerd.[4] Michaele de Hamstede; et aliis. Actum A. G. millesimo, cc, quadragesimo sexto, quinto kalendas Februarii.

CCCVII. Alia de Semar.[5]

Acta in majori ecclesia Lincolniensi in crastino curiarum, A. G. millesimo, cc, xl sexto, coram Cancellario et Magistro stolarum Lincolniæ, judicibus a D'no Papa delegatis in causa quæ vertitur inter Abbatem et Conv. de Whiteby, ex una parte, et D'num Walterum de Gray, Rectorem ecclesiæ de Semar, ex altera, per procuratores legitime constitutos comparentes—videl. cum datus esset dies, sicut constitit per retro-

[1] See the two next deeds, and also Nos. 551, 552.

[2] Written *Willelmo.* The date makes it clear that it is so written in error. Walter de Gray was Archbishop from 1216 to 1255.

[3] This name stands Gsell' as written; in the following document it appears under the form Heser.

[4] *Pykwurd* in the following document.

[5] See preceding document.

acta, ad præcise summandum nisi aliquid canonicum obstaret, tandem, dicta causa, amicabiliter inter partes sopita est in hunc modum—videl. quod præfatus Walterus de Gray confecit dictis Religiosis cartam suam, super petitis ab eisdem, confectam in hæc verba:—Omnibus S. M. Ecclesiæ filiis pr. scriptum vis. vel audituris, Walterus de Grey, Rector eccl. de Semar, salutem in Domino. Noverit univ. v. me teneri Abbati et Conv. de Whiteby in quinque marcis annuis, nomine pensionis eisdem debitæ ab ecclesia de Semar, et in tribus marcis annuis pro decimis garbarum de dominico ejusdem villæ, quas promisi eis fideliter me soluturum ad duos anni terminos, sacramento interveniente corporali—quatuor, videl., marcas ad Pent., et quatuor m. ad f. S. Martini in yeme. Si autem contigerit quod in aliquo præd. terminorum in solutione cessavero dictæ pecuniæ, promisi[1] eisdem decem marcas nomine pœnæ rato; tamen manente debito principali: et ad ista omnia fideliter observanda subjeci me præcise jurisdictioni D'ni Archie'pi Eboraci, qui pro tempore fuerit, ut sine omni strepitu judi(89)ciali possit me censura ecclesiastica ad solutionem, tam debiti principalis quam pœnæ, compellere. In cujus rei test. præsenti paginæ sig. meum apposui. Hiis testibus. D'no Waltero, Archiepiscopo Ebor. D'nis Petro de Fikeld, Capellano; Willelmo de Langton, tunc Cancellario D'no Eboracensis. Reginaldo Clerico. Alano Heser. Magistro Reginaldo de Pykwurd. Michaele de Hamstede; et aliis. Actum A. G. millesimo cc xl sexto, quinto kalendas Februarii. Hanc autem compositionem præfati judices approbantes, eandem sigillorum suorum munimine roboraverunt, penes se, de consensu partium, potestatem retinentes compellendi præfatum Walterum de Gray censura ecclesiastica ad dictam compositionem firmiter in omnibus, prout præscriptum est, observandam sine strepitu judiciali.

CCCVIII. Alia de Semar.

Universis S. M. Ecclesiæ filiis ad quos pr. sc. pervenerit, Officialis Curiæ Eboracensis salutem in D'no. Pax et tranquillitas eo avidius inter Catholicos non absque lætitia

[1] *promiss'*.

suscipiuntur in amplexum quo per ipsas conscientiæ puritas, caritatis, uniformitatis, ac mentis libertas sub umbris floridis luculentius illustrantur et quiescunt, et inextricabilis improbitas litigantium sui prodiga funditus concidit[1] in ruinam per easdem. Hinc est quod cum inter Abbatem et Conv. de Whiteby actores, ex una parte, et Dominum Walterum de Grey, Rectorem eccl. de Semar,[2] reum, ex altera, coram nobis auctoritate ordinaria cognoscentibus super amotione ejusdem Walteri ab ecclesia de Semar, et annua pensione quinque marcarum eisdem Abbati et Conv. annuatim, nomine dictæ ecclesiæ ab eodem Waltero, solvendarum, causa fuisset lunaliter sic protracta[3] quod solum superesset sententia diffinitiva proferenda in præmissis, partes pacis concordiam amplectentes super contentionibus (89b) tunc habitis inter ipsas, nostræ ordinationi, diffinitioni seu decreto sponte se submiserunt, firmum et stabile se habituros promittentes quod ordinandum, diffinendum seu discernendum similiter duxerimus in præmissis inter ipsos. Nos igitur invocata Spiritus Sancti gratia, rejectis ambagibus et circuitibus retroactis, ordinamus, diffinimus, seu discernimus quod Walterus dictus restituat sæpedictis Abbati et Conv. duas partes decimarum garbarum dominicalium de Semar quas suo[4] perpetuo ab eis ad firmam pro quadraginta solidis annuis prius tenuit et possedit, et quod eisdem de cætero solvat annuatim, nomine ecclesiæ de Semar, cujus sunt patroni, quinque marcas pensionis eisdem debitæ ab antiquo—videl. ad Pent. duas marcas et dim., et tantum ad f. [S.] Martini yemale, et arreragia præmissorum eisdem debebat usque modo. Et si quem terminum in non solvendo præterierit de prædictis, Domino Archiep'o Eboracensi, qui pro tempore fuerit, vel ejus Officiali suo nomine, in centum solidos nomine pœnæ teneatur absolute, et nichilominus de principali prætermissa Abbati et Conventui persolvantur absque mora. Ordinamus etiam, diffinimus, seu discernimus quod Abbas et Conv. memorati causam amotionis dicti Walteri ab ecclesia de Semar judicialiter institutam[5]

[1] *conscidit.* [2] See the two last documents.

[3] This reading is most unsatisfactory; the first doubtful word can only be *limaliter* or *lunaliter*, and the second certainly begins with *pro*, the letters that follow being either *tita* or *tcta*, with the usual symbol of contraction for *ra* above. [4] Ita. [5] *institutum.*

coram nobis de cætero deserant, et eidem renuntiant simpliciter et in scriptis. Et si aliqua partium prædictarum contra superius ordinata, diffinita, seu decreta quicquid fecerit in futurum, pars contraveniens D'no Archiepiscopo, qui pro tempore fuerit, vel ejus Officiali suo nomine, xl marcas nomine pœnæ numerabit, et nichilominus ad conservationem ordinationis suprascriptæ cohercebitur[1] causa effect'. Et ut præmissa firmiter maneant, nec in residuum quoque modo futuris temporibus relabantur, sigillo officialitatis Curiæ Eboracensis (90) sigillavimus pr. scriptum, quod penes utramque partem divisim, cum sigillis partium alternatim appositis, imperpetuum residebit. Datum Eboraci duodecimo Kalendas Julii, A. G. millesimo cc sexagesimo nono.

CCCIX. Confirmatio ecclesiæ de Semar pro appropriatione ejus.

Universis S. M. Ecclesiæ filiis, ad quos pr. ser. pervenerit, D'ni Officialis Curiæ Eboracensis Comissarius Generalis, s. in D'no sempiternam. Noverit univ. v. quod nos, in causa de qua inferius memoratur, coram nobis in dicta Curia Eboracensi inter partes infrascriptas nuper mota et pendente, debite procedentes, decimo nono die mensis Februarii A. D. millesimo ccc septuagesimo octavo, sententiam diffinitam in eadem protulimus sub hac firma:—In Dei nomine, Amen. Auditis et intellectis meritis causæ occasione non solutionis quartæ partis oneris extraordinarii ecclesiæ parochialis de Semar, Eboraci dioceseos, mota et pendente coram nobis, D'ni Officialis Curiæ Eboracensis Commissario Generali, inter Religiosos viros, Abbatem et Conv. Mon'ii de Whiteby, Ordinis S. Benedicti, Eboraci dioceseos, dictam ecclesiam de Semar, salva portione vicariæ in ipsa ecclesia ordinatæ, eis et eorum Monasterio canonice unitam et annexam, in usus proprios optinentes, partem actricem per Magistrum Johannem de Staynton, Clericum, procuratorem suum, comparentem, ex parte una; et Robertum de Segbroke, perpetuum Vicarium dictæ ecclesiæ de Semar, partem ream, per Magistrum Henricum de Axhiholme, Clericum, procuratorem suum, comparentem, ex parte altera; oblato nobis et dictæ parti reæ libello cujus tenor talis est:—In Dei nomine,

[1] *cohercebatur.*

Amen. Coram vobis, D'no Officiali Curiæ Eboracensis, vestrove Commissario Generali, dicit, in jure proponit, Procurator Religiosorum virorum, Abbatis et Conv. Mon'ii de Whiteby, Ordinis S. B., Ebor. dioceseos, eccl. paroch. de Semar, (90[b]) ejusdem dioceseos, salva portione vicariæ in ipsa ecclesia ordinatæ, eis et eorum Mon'io canonice unitam et annexam, in usus suos proprios optinentium, nomine procuratorio pro eisdem Religiosis ac Mon'io et ecclesia suis prædictis, contra D'num Robertum de Segbroke, perpetuum Vicarium ecclesiæ de Semar præd., et contra quemlibet pro eodem coram vobis in judicio legitime comparentem, quod, ex canonica ordinatione ipsius vicariæ auctoritate apostolica facta, solutio omnium extraordinariorum quorumcunque ipsam ecclesiam qualitercunque contingentium, ex quarta parte taxationis ejusdem ecclesiæ, ad ipsam vicariam, et omnes vicarios ejusdem qui fuerant a tempore ordinationis predictæ vicariæ, et erunt temporibus pro futuris, pertinuit et pertinet et pertinere dinoscitur, ipsique vicarii ecclesiæ de Semar ad subeunda et solvenda omnia extraordinaria supradicta, pro quarta parte prædicta, tenebantur, singuli pro suis temporibus, pro tempora supradicta; et dictus D'nus Robertus, vicarius, pro tempore suo tenetur, vigore ordinationis prædictæ; quodque clerus Eborac. dioceseos, inter festa S. Andreæ et natalis Domini ultime præterita, quoddam subsidium—videl. duas decimas proventuum omnium beneficiorum suorum ecclesiasticorum, secundum novam taxam eorundum in regno Angliæ currentem, solvendas ad duos terminos a diu effluxos, propter ipsius regni defensionem, unam in suo consensu liberaliter concessit, præfatus tamen D'nus Robertus de Segbroke, qui dictam vicariam ecclesiæ de Semar, ad quadraginta marcas sterlingarum secundum novam taxam taxatæ, per unum annum integrum et amplius notarie detinuit, occupavit, et occupat in præsenti quartam partem dicti subsidii, dictæ ecclesiæ de Semara notorie oneris extraordinarii, nomine vicariæ suæ supradictæ, quæ quarta pars (91) ad duas marcas argenti notarie se extendit, agnoscere, subire et solvere et tenebatur et tenetur, congrue requisitus non curavit, neque curat, sed hoc facere expresse, indebite et injuste, in ipsorum Abbatis et Conv. præjudicium non modicum et jacturam; quæ sunt publica, notaria et manifesta in civitate dioceseos Ebor. et locis (vicinis), et super hiis laboravit et

laborat ibidem publica vox et fama. Quare petit dictus procurator, nomine quo supra probatur in hoc casu de jure probandi, dictum Dominum Robertum Vicarium ad agnoscenda onera extraordinaria supradicta pro quarta parte taxationis dictæ ecclesiæ de Semar, necnon ad præstandum et solvendum dictis Religiosis, dominis suis, qui de totali onere prædicto Domino nostro Regi, ut præfertur, concesso, ipsam ecclesiam de Semar concernente, satisfecerunt, per vos, domine Judex, sententialiter et diffinitive condempnari, et condempnatum ad solutionem dictæ quartæ partis oneris prædicti, de qua est dicto Domino Regi per dictos Religiosos, ut præmittitur, satisfactum, eisdem Religiosis faciendam, canonice compelli et coherceri, et ulterius sibi fieri in præmissis et ea contingentibus in omnibus quod est justum. Hæc dicit et petit, et probare intendit dictus procurator nomine quo supra, conjunctim et divisim, juris beneficio sibi in omnibus semper salvo; liteque ad eundem libellum per dictam partem ream verbis negationis contestata, ac juramento de calumpnia et de veritate dicenda hinc et inde præstito, ac traditis per dictam partem actricem positionibus et articulis, et secutis responsionibus per dictam partem ream ad easdem positiones ac ordinationem dictæ vicariæ de Semar per dictam partem actricem in subsidium probationis suæ, judicialiter coram nobis productis et exhibitis, et copia ejusdem parti reæ decreta, et termino[1] ad proponenda omnia in facto consistentia dictis partibus per nos præfixo et assignato, (91[b]) nichil tamen in ipso termino adveniente dicto vel proposito, demumque in ipsa causa concluso, et termino ad audiendam sententiam diffinitivam per nos dictis partibus præfixo et assignato, in quo termino partibus prædictis per procuratores suos supradictos coram nobis in judicio comparentibus — Nos, Co[m]missarius antedictus, rimatis ipsius causæ meritis et ad plenum discussis, de consilio jurisperitorum nobis assistentium, invocata Spiritus Sancti gratia, ad sententiam diffinitivam in causa prædicta procedimus in hunc modum:—Quia invenimus dictam partem actricem intentionem suam coram nobis in judicio deductam, tam per confessionem dictæ partis reæ, quam per alia documenta legitima coram nobis judicialiter exhibita, sufficienter probavisse, præfatum Dominum Robertum, vicarium ecclesiæ de Semar, partem

[1] *terminu'.*

ream in præsente causa, in persona procuratoris sui prædicti, ad agnoscenda et subeunda[1] onera extraordinaria in quarta parte taxationis dictæ ecclesiæ de Semar, necnon ad præstandum et solvendum dictis Religiosis viris, qui de totali onere prædicto Domino nostro Regi concesso ipsam ecclesiam concernente satisfecerunt, condempnamus sententialiter et diffinitive in hiis scriptis, condempnationem expensarum ex causis legitimis omittentes. In quorum omnium testimonium atque fidem sigillum officii nostri præsentibus apposuimus. Datum Eboraci quoad signationem præsentium, decimo die mensis Martii, A. D. supradicto.

CCCX. Alia carta ecclesiæ de Semar.

Universis S. M. Eccl. filiis, ad quos pr. litteræ pervenerint, D'ni Officialis curiæ Eboracensis Comissarius Generalis, s. in Domino sempiternam. Noverit univ. v. quod nos, in causa de quæ inferius memoratur coram nobis in dicta Curia Ebor. inter partes infrascriptas nuper mota et pendente, debite procedentes, quarto die mensis Decembris A. D. millesimo (92) ccc^{mo} octogesimo tertio, sententiam diffinitivam in eadem protulimus sub hac forma. In Dei nomine, Amen. Auditis et intellectis meritis causæ occasione non solutionis oneris ordinarii ecclesiæ parochialis de Semar, Ebor. dioceseos, motæ et pendentis coram nobis, D'ni officialis Curiæ Ebor. Comissario Generali, inter Religiosos viros, Abbatem et Conv. Mon'ii de Whiteby, Ordinis S. Benedicti, Ebor. dioceseos, dictam ecclesiam de Semar, salva portione vicariæ in ipsa ecclesia ordinatæ, eis et eorum Mon'io canonice unitam et annexam, in usus suos proprios optinentes, partem actricem per Magistrum Johannem de Stayntou, seniorem, Clericum, procuratorem suum, comparentem, ex parte una; et Robertum de Segbroke, perpetuum Vicarium dictæ ecclesiæ de Semar, partem ream, primo per Willelmum Killerwike, et postea per M'rum Johannem Staynton, juniorem, Clericos, procuratores suos, comparentem, ex parte altera; oblato nobis et dictæ parti reæ libello cujus tenor talis est:—In Dei nomine, Amen. Coram vobis, Domino officiali curiæ Eborac', vestrove Comissario Generali, dicit et in jure proponit

[1] *subiund.*

procurator Religiosorum virorum, Abbatis et Conv. Mon'ii de Whiteby, Ordinis S. Benedicti, Ebor. dioceseos, ecclesiam parochialem de Semar ejusdem dioceseos in proprios usus, salva portione vicariæ ejusdem et vicario perpetuo ejusdem assignata, canonice optinentium, nomine procuratorio pro eisdem et ecclesia sua prædicta contra Dominum Robertum de Segbroke, ipsius ecclesiæ vicarium, et contra quemlibet pro eodem coram vobis in judicio legitime comparentem, quod licet ex canonica ordinatione dictæ vicariæ, ac ex consuetudine laudabili in diocesi Eboracensi et parochia prædicta, a decem, viginti, triginta, qua(92b)draginta annis, et citra ac ultra, a tempore et per tempus cujus initii memoria homini[s] non existit, et præcipue a tempore ordinationis dictæ vicariæ, omnes et singuli vicarii dictæ ecclesiæ, singuli pro suis temporibus, tenebantur et consueverunt, quilibet eorundem, et præcipue dictus Dominus Robertus vicarius modernus, nomine vicariæ suæ tenebatur et tenetur subire et supportare omnia onera ordinaria eidem ecclesiæ incumbentia, et jura episcopalia ab eadem ecclesia qualitercunque debita aut exigenda integraliter solvere, et plenarie satisfacere de eisdem usque tempus subtractionis sive recusationis infrascriptæ; præfatusque D'nus Robertus, vicarius, pro tempore suo, ac omnes et singuli præcessores et prædecessores sui, dictæ ecclesiæ vicarii, singuli suis temporibus consueverunt, et quilibet eorum consuevit usque tempus subtractionis infrascriptæ, hujusmodi jura episcopalia, onera ordinaria eidem ecclesiæ incumbentia, aut per Archiepiscopum imposita, integraliter solvere, subire, et supportare, ac ipsos Abbatem et Conv. a solutione et supportatione hujusmodi onerum ordinariorum, et jurium episcopalium prædictorum, relevare et excusare, prout in hac parte, veraciter tenebantur, et eorum quilibet tenebatur, dictusque D'nus Robertus, vicarius, sufficientem et canonicam ac competentem portionem de fructibus et proventibus ipsius ecclesiæ sibi assignatam pro quibusdam oneribus ordinariis ac juribus episcopalibus subeundis, solvendis, seu supportandis, habuit, et habet, ac percipit in præsenti, præfatusque D'nus Robertus, vicarius, quoddam subsidium Reverendo in Christo patri et domino, Domino Alexandro, D. G. Eboraci Archiepiscopo, de anno ultimo præterito ab ipsa ecclesia et dicto D'no Roberto, vicario, nomine vicariæ ejusdem

ex ordinatione prædicta pro procuratione ac (93) utilitate a clero suæ dioceseos concessum, et eidem ut jus suum episcopale debitum, subtraxit et solvere recusavit minus juste, in dictorum Abbatis et Conv. præjudicium non modicum et gravamen; quod quidem subsidium, de anno ultimo præterito dicto d'no Archiepiscopo, ut præmittitur, debitum, ad quatuor marcas argenti se notarie extendebat, quæ sunt publica, notaria et manifesta in diocesi Ebor., parochia de Semar, et locis vicinis, et super hiis ibidem laboravit et adhuc laborat puplica vox et fama. Quare petit procurator dictus, nomine quo supra probatur in hoc casu de jure probando, se quavis via juris detecta vel declarata,[1] dictum d'num Robertum, vicarium prædictum, ad subeundum, solvendum dictum subsidium præfato d'no Archiepiscopo a dicta ecclesia de anno præd. concessum, debitum, teneri et obligari ad solutionem ejusdem, necnon ipsos Abbatem et Conv. immunes et illæsos, quoad solutionem ejusdem, conservandos,[2] compellendum fore per vos decerni, pronuntiari et declarari, ac ipsum Vicarium ad solutionem ejusdem in hoc casu integraliter faciendam per vos compelli et canonice coherceri, ac ulterius sibi fieri in præmissis et ea contingentibus secundum naturam et qualitatem eorundem in omnibus quod est justum. Hæc dicit, allegat, proponit et petit, ac probare intendit dictus procurator, nomine quo supra, conjunctim et divisim, officium vestrum humiliter implorans, juris beneficio in omnibus semper salvo, liteque ad ejusdem libellum per dictam partem ream verbis negativis contestata, ac juramento de calumpnia et de veritate dicenda hinc et inde præstito, ac ordinatione dictæ vicariæ de Semar per dictam partem actricem in subsidium probationis suæ judicialiter coram nobis producta et exhibita, et copia ejusdem parti reæ decreta, factisque per nos quibusdam interrogatoriis dictæ[3] parti reæ, secutisque responsionibus ad eosdem, et termino ad proponenda omnia in facto consistentia dictis partibus per nos præfixo et assignato, in quo termino partibus prædictis per procuratores suos supradictos coram nobis in judicio comparentibus, et sententiam in

[1] The construction is sufficiently obscure. The reading is "se quavis via Jur' detect' vel declarat'." The *se* seems superfluous; or, if not, there is an omission.

[2] *conservand'*, but it is clear that the word applies to "Abbatem et Conventum."

[3] *dicti.*

presenti causa cum (93[b]) instantia per nos ferri postulantibus;—Nos, Com[m]issarius antedictus, rimatis ipsius causæ meritis et ad plenum discussis, de consilio jurisperitorum nobis assistentium, invocata Spiritus Sancti gratia, ad sententiam diffinitivam in causa prædicta procedimus in hunc modum:—Quia invenimus dictam partem actricem intentionem suam coram nobis in judicio deductam, tam per confessionem dictæ partis reæ, quam per alia documenta legitima coram nobis judicialiter exhibita, sufficienter probavisse, præfatum d'num Robertum, Vicarium ecclesiæ de Semar, partem ream in præsenti causa, in persona procuratoris sui supradicti ad agnoscendum et subeundum, nomine dictæ vicariæ supradictæ, omnia onera ordinaria dictæ ecclesiæ et jura episcopalia ab eadem qualitercunque debita, et in futurum exigenda, et præsertim onus solutionis subsidii de quo in prædicto libello memoratur, utpote jus ordinarium et episcopale ecclesiæ prædictæ incumbens, vigore dictæ vicariæ suæ et ordinationis ejusdem, ac ad servandos præd. Religiosos viros, Abbatem et Conv. de Whiteby, immunes a supportatione, præstatione et solutione hujusmodi onerum, et subsidium efficaciter astrictum et obligatum fuisse, et esse debere ex nunc in futurum, ac ad solutionem, præstationem hujusmodi subsidii compellendum fore et compelli, dictorumque onerum et solutionis subsidii prædicti onus, ac supportationem et agnitionem ad eundem d'num Robertum, Vicarium, et vicariam pertinere, et pertinere debere, dictosque Religiosos ab eisdem oneribus et subsidii solutione liberos et immunes esse, pronuntiamus, decernimus et declaramus sententialiter et diffinitive in hiis scriptis, condempnationem expensarum ex causis legitimis omittentes. In quorum omnium testimonium abque fidem sig. officii nostri præsentibus apposuimus. Datum Eboraci quoad signationem præsentium sexto die mensis Decembris, A. D. supradicto.

CCCXI. Expliciunt carta Episcoporum et Archidi[a]conorum Eboracensium. Incipiunt cartæ de Crosseby Ravenswarth.

Universis S. M. Ecclesiæ filiis, p. litteras (94) inspecturis, Johannes,[1] p. d. et Apostolicæ Sedis gratia, Ep'us Karliolensis,[2]

[1] John of Ross, Canon of Hereford, 1325-32. [2] *Karlion'.*

s. in D'no sempiternam. Visitantes nuper ecclesiam et diocesim nostram Karliolensem,[1] inter cætera visitationis nostræ officia contingentia, comperimus quod Religiosi viri, Abbas et Conv. de Whiteby, Eborac. dioceseos, ecclesiam de Crosseby Ravenswarth parochialem, nostræ dioceseos, cum pertinentiis suis, in usus suos proprios de facto detinent, et de jure speciali sic vendicant optinere. Vocatis igitur super hoc dictis Religiosis, et procuratore sufficienter comparentibus coram nobis, diebus et locis congruis ad hoc datis, propositum fuit ex parte eorundem quod ipsi præd. ecclesiam de Crosseby Ravenswarth ab antiquo eis canonice appropriatam optinuerunt et possederunt, et ad huc optinent et possident in præsenti cartas et documenta prædecessorum nostrorum, Episcoporum Karliol., et patronorum, et confirmationem Capituli Ecclesiæ nostræ Cathedralis Ka[r]liol. prædictæ super hoc in medio exhibendo. Nos igitur, inspectis et intellectis propositis et exhibitis suis in hac parte, quia invenimus eos sufficienter munitos in prædictis, ipsos sicut possessores canonicos, et sufficienter munitos ab impetitione officii nostri, absolvimus, et per decretum dimittimus absolutos. In cujus rei test. sig. nostrum præsentibus est appensum. Datum in manerio nostro apud la Rose, ii. kalendas Julii, A. D. millesimo ccc^{mo} vicesimo sexto, et nostræ consecrationis anno secundo.

CCCXII. Alia carta de Crosby.

Omn. S. M. Eccl. filiis, ad quos pr. scr. perv., Adam de Wathamstede, Capellanus, s. in Domino. Noveritis me in præsentia d'ni R[oberti],[2] Karliolensis Ep'i, factum meum approbantis, toti juri meo quod habui vel habere potui, omni actioni institutæ vel instituendæ in vicaria ecclesiæ de Crossby Ravenswarth, Karliol. dioceseos, seu pro eadem, d'no Willelmo de Kyrkeham, procuratori d'ni Abbatis de Whiteby et Conv., renuntiasse. et, (94^{b}) quia sigillum meum non est pluribus notum, sig. dicti Venerabilis patris R[oberti], Karleolii[3] Ep'i, præsentibus apponi procuravi. Hiis testibus. D'no Willelmo de Whatehamsted. M'ro W . . . Fresta. Thoma de Ely, Clerico. Gilberto de Smytheton, Clerico; et aliis. Datum

[1] *Karlion'.* [2] Robert de Chause, 1258-78. [3] *Karlii.*

apud Horncastrum, die dominica in Ramis Palmarum, A. D. millesimo cc sexagesimo quarto.

CCCXIII. Confirmatio ecclesiæ de Crossby.

Universis S. M. Eccl. filiis ad quorum notitiam pr. scr. pervenerit, Officialis Curiæ Eborac. s. in D'no sempiternam. Noverit univ. v. quod nos quoddam scriptum Venerabilis patris D'ni Radulphi,[1] D. G. Karleolii Ep'i, non cancellatum, non abolitum, nec in aliqua sui parte vitiatum, inspeximus in his verbis:—Universis Christi fidelibus ad quos pr. scr. perv. Radulphus, miseratione divina Karleonensis Episcopus, s. in Domino sempiternam. Universali Ecclesiæ tanto nos vehementius credimus proficere quanto viros Religiosos, quos S. Ecclesiam orationum suarum instantia potissimum fulcire supponimus, ad orandum incessabilius atque sincerius nostra sollicitudine reddiderimus expeditos. In quo haud[2] dubium convalescimus si ipsos bona sibi caritate collata optinere inconcussibiliter, quantum ad nos pertinet, procuremus. Ut igitur sanctam congregationem Monachorum de Whiteby, quos ab ineunte ætate cognovimus in orationibus et religiosis operibus extitisse sollicitos, quantum ad ecclesiam de Crosseby Ravenswarth, nostræ dioceseos, quam in usus proprios possident, faciamus inconcussibilem in posterum et immunem, instrumenta prædecessorum nostrorum, et metropolitanorum, et Capituli nostri Karleolensis, et Thorphini[3] patroni, quorum auctoritate ad possessionem ejusdem ecclesiæ pervenerint, et ejusdem possessioni ad præsens incumbunt, quæ nos oculata fide perspeximus, in præs. scripto (95) duximus recitanda, ac nostræ confirmationis adjectione roboranda pariter et juvanda. Litteram quippe bonæ memoriæ Etelwaldi, prædecessoris nostri, inspeximus hiis verbis:—Ethelwaldus, D. G. Karleolensis Ep'us, Eliæ Archidiacono et Capitulo S. Mariæ [*etc., as in No.* 32.][4]

[1] Radulfus Ireton, 1280-1292.

[2] *haut.*

[3] See Nos. 28, 29, etc.

[4] The orthography of the witnesses' names varies slightly in the two documents, and there are other slight differences in their designations; as "Brictric, Capell' de S. Laurentio," for "Brichetrich, Presbiter de S. L.;" "Eudo" for "Heudo," "Yvo" for "Ivo," and "Torphin' de Morlond" for "Thorfin' de Morlund."

Confirmationem autem bonæ memoriæ Rogeri Archie'pi super hujusmodi concessione inspeximus in hiis verbis:—Rogerus, D. G. Eboraci Archiep'us, omnibus S. Ecclesiæ filiis salutem. Ad commissæ nobis administrationis spectat sollicitudinem bona quæ S. Ecclesiæ in diocesi nostra juste collata noscuntur [*etc., as in No.* 34].[1]

Cartæ litteram bonæ memoriæ Bernardi, prædecessoris nostri, super hoc eodem inspeximus in hiis verbis:—Omnibus S. M. filiis, Bernardus, D. G. Karleolensis Episcopus, salutem. Noverit univ. v. quod nos, divini amoris intuitu, dedisse et concessisse et in usus proprios confirmasse [*etc., as in No.* 36].[2]

Litteram etiam bonæ memoriæ Hugonis, prædecessoris nostri, inspeximus in hiis verbis:—Omnibus ad quos præsens scriptum pervenerit, Hugo, D. G. Karleol. Episcopus, s. in D'no. Noverit univ. vestra [nos], divinæ pietatis intuitu, de consensu et assensu Capituli nostri [*etc., as in No.* 40 *to*] (96) instituisse in eadem, salva vicaria centum solidorum de proventibus ipsius ecclesiæ, per manus Abbatis et Conv. de Whiteby annuatim percipiendorum vicario in eadem perpetuis temporibus ministraturo, qui nobis [*etc., as in No.* 40].[3]

[1] The variations in the names, etc., of the witnesses in the two copies are very slight and unimportant. "Sancto Georgio," however, occurs in the present deed for "S. Gregorio," and "Karkessen" is written in place of "Carkasin" in No. 32.

[2] The variations here are "Selby" for "Seleby," "M'ro Hospitalis Radulfo Ebor." for "M'ro Rad. Hospitalensi de Ebor.," "Petro Albyn, tunc, officiali Clivelandiæ" for "P. Albini," and "Wikhame" for "Wykham."

[3] The variations here are that "A. . . . Persona de Stretford" comes in second in the list instead of much lower down; "Wederaul" is written for "Wederhala," "Johanne Sacrista" for "J. Sacrista," "A. officiali" for "Ada officiali," and "A. . . . Decano Karleol" for "H. Dec. Karl." In connection with Wederhala or Wederaul, it may be noted that Wetheral is in the eastern division of the county of Cumberland, on the banks of the Eden, four miles and three quarters south-east of Carlisle. Touching the Priory there, Bishop Tanner justly says, "there seems to be great confusion in the memorandums and charters printed in the Monasticon"—that is, the first edition—"out of the Register of this Priory, concerning the time of its foundation. First, there is a charter of King William I. confirming this cell to St. Mary's and its Abbot Richard: whereas St. Mary's was not founded under William the Conqueror, nor was Richard Abbot until 12 Henry I., and among the witnesses, Lucia, his wife, and Henry, his brother, being

Item litteram Capituli nostri Karleol. præmissorum ratificativam inspeximus in hiis verbis:—Omn. Christi fidelibus ad quos pr. scr. perv., Bartholomæus Prior et Capitulum Canonicorum[1] Karleol. s. in Domino. Noveritis nos ratas et gratas habere, quantum ad nos pertinet, donationes [*etc., as in No.* 42].

Cartam insuper Torphini, ejusdem ecclesiæ patroni, inspeximus in hiis verbis:—Sciant omnes videntes et audientes has litteras quod ego Torphinus, et hæres meus, dedimus ecclesiam de Crosby Ravenswarth cum duabus carucatis t'ræ [*etc., as in No.* 29].[2]

Item taxationem vicariæ sæpedictæ ecclesiæ per bonæ memoriæ Walterum,[3] prædecessorem nostrum, factam inspeximus in hiis verbis:—Omn. Christi fidelibus, p. litteras inspecturis et audituris, Walterus, miseratione Divina Karleol. Ecclesiæ Minister humilis, s. in D'no. Ne ea quæ ad pacem perpetuam et tranquillitatem Religiosorum proinde sunt statuta alicujus arbitrio seu voluntate facile[4] dissolvantur, ad vestram volumus pervenire notitiam quod, cum viri Religiosi, Rogerus Abbas de Whiteby et ejusdem loci Conv., taxationem vicariæ ecclesiæ suæ de Crosseby Ravenswarth ordinationi

named, show plainly that this could not be a grant of the Conqueror. Second, this Priory is said to have been founded tempore Will. Rufi, and we are referred to the charter of Ranulf for proof, which charter, with the same witnesses, and inscribed 'Carta prima de Wetheral,' being printed in the other, that is, the next column, mentions expressly the giving of this manor of Wederhall to St. Mary's, 'pro anima D'ni mei Regis Henrici.' In fact, the first charter alluded to, though called the Conqueror's, must be ascribed to King William Rufus, in whose reign, or early in that of King Henry I., Ranulph le Meschin, Earl of Cumberland, must have founded the Cell of Wetherall, which he appears to have annexed to the Abbey of St. Mary's at York, while Stephen de Whitby, the first Abbot, was at the head of that Monastery."—(Dugdale, *Mon. Angl.* iii. 581.)

[1] *Monachorum* written, but crossed out, and *Canonicorum* substituted.

[2] There are several additional witnesses in the present "Inspeximus" copy to those in No. 22, besides a fuller designation of the last witness there named, viz.:—"Willelmus Presb. filius Edmundi Presb. de Whiteby." The others are—Ricardus Diaconus, Hugo Clericus, et Benedictus, Nepotes B[enedicti] Abbatis, Stephanus Clericus, Daniel, Randulphus, Ricardus de Newham, Walterus Dispensator, Robertus de S. Victore, Robertus Coquus, Hedrich' de Newham, Simuudus Clericus, Robertus Clericus, Elwinus Coquus, Willelmus Norrays.

[3] Walter Mauclerk, elected 1223, resigned 1246.

[4] *facili.*

nostræ sponte et absolute commisissent, nos, habita deliberatione, necnon etiam tractatu, super eo cum discretis, pensatis et taxatis facultatibus ipsius ecclesiæ per viros fide dignos, vicariam ipsam ordinavimus in forma subscripta:—videl. quod vicarius qui pro tempore erit habeat totum alteragium cum viginti acris terræ et duobus toftis ante portam quondam Ricardi de Camera, quæ quidem ei pro vicaria imperpetuum assignavimus: Reddendo inde annuatim dictis Monachis de Whiteby viginti solidos—medietatem scil. ad f. S. Martini in yeme, et med. ad Pentecosten; et salva dictis Mon. decima lanæ et agnorum totius parochiæ prædictæ, cum duabus partibus feni de dominico villæ de Meybrun: et quod vicarius, qui pro tempore erit in dicta ecclesia, omnia onera ordinaria et consueta—scil. sinodalia et archidiaconalia sustineat: et quod in extraordinariis auxiliis Abbas et Conv. de Whiteby (97) pro sua portione, Vicarius pro sua, respondeat. Ordinationem siquidem præscriptam ratam habere volumus et illibatam imperpetuum. In cujus rei testimonium præs. scripto sigillum nostrum fecimus apponi. Actum apud Karleol. pridie kalendas Aprilis, pontificatus nostri anno vicesimo primo.—Nos, igitur, præmissas concessiones et confirmationes prædictis in Christo filiis, super præfata ecclesia de Crossby Ravenswarth in proprios usus perpetuis temporibus possidenda, factas; insuper et taxationem vicariæ prædictæ ecclesiæ paulo superius memoratam, ratas et firmas habentes, ex certa scientia confirmamus. Et si quis defectus in aliqua prædictarum concessionum seu confirmationum fuerit, illum, et illos si plures fuerint, habita super hoc deliberatione et tractatu cum nostro concilio, diligenti caritatis intuitu, auctoritate pontificali su[p]plemus: ita videlicet quod dictam ecclesiam, cum omnibus suis pertinentiis, salva prædicta portione vicariæ assignata in eadem in proprios usus, sicut hactenus habuerunt, in posterum possideant et habeant imperpetuum, integre, pacifice ac quiete; salva tamen in omnibus Ecclesiæ Karleolensis dignitate, et juribus ad ipsam pertinentibus de eadem. In cujus rei robur et testimonium sig. nostrum fecimus scr. pr. apponi. Datum apud . . . sexto idus Junii, A. G. millesimo cc octogesimo primo. In hujus rei testimonium sigillum Officialitatis Curiæ Eboracensis præsenti scripto fecimus apponi. Datum etc.

CCCXIV. Alia carta de metis terræ nostræ.

(97) Per pr. scriptum pateat universis quod, cum inter Religiosos viros, Abbatem et Conv. Mon'ii de Whiteby, Ordinis S. Benedicti, Eborac. dioceseos, ecclesiam parochialem de Crosseby Ravenswarth, Karleol. dioceseos, in proprios usus optinentes, et prætendentes villas de Overton alias Overyge, Gogesfeld, Keldelith, Sunnebyggyn[g],[1] Reysebek, Langdale, Tybba, Ronnestwate, Scalesparke, Ellergylle et Gagesgylle, ac terras, campos, possessiones, culturas, res, animalia, et personas earundem villarum infra parochiam prædictæ ecclesiæ de Crosseby, limites (97^{b}) et loca decimationis ejusdem extitisse et existere, et ad eos et proprietatem prædictæ ecclesiæ suæ de Crosseby de jure pertinere, ac eos fuisse in possessione et quasi juris percipiendi omnes et singulas decimas qualitercunque provenientes de quibuscunque t'ris, campis, possessionibus, culturis, rebus, animalibus et personis villarum prædictarum, de parte una; et nos, Priorem et Conv. de Conyngeshed, Ordinis S. Augustini, præfatæ Eboracensis dioceseos, asserentes ecclesiam de Overton alias Overyge parochialem fuisse et esse, limitesque proprios et distinctos habuisse et habere, nosque eam in proprios usus, ut ecclesiam parochialem, optinuisse et optinere, ac omnes decimas, tam majores quam minores, qualitercunque provenientes de omnibus villis prædictis—videl. de Overton alias Overyge, Bogesfelle, Keldelithe, Sunnebyggynge, Reysebek, Langdale, Tybbay, Ronnestwate, Scalesparke, Ellergille et Gagesgille existentibus infra limites prædictæ ecclesiæ de Overton alias Overyge, et loca decimationis ejusdem, necnon de personis, rebus et animalibus universis dictarum villarum, ad jus et proprietatem memoratæ ecclesiæ nostræ de Overton alias Overyge, et nos,[2] Priorem et Conv. prædictos, nomine ejusdem ecclesiæ, de jure pertinuisse et pertinere debere; nosque fuisse a tempore cujus principii memoria non existit in plena et pacifica possessione et quasi juris percipiendi decimas omnes et singulas supradictas, ex altera, suborta fuisset materia quæstionis:—Nos, Prior et Conv. de Conyngesheved prænotati, statum nostrum religiosum perinterne considerantes, et delectabile bonum pacis et quietis potius quam litigiosos amfractus affec-

[1] *Sunnebryggyn.* [2] *et* inserted here.

tantes, ac divinis ut tenemur officiis insistere cupientes, de concilio amicorum nostorum ordinationi, laudo, dicto, arbitrio, arbitratui, pronuntiationi et decreto venerabilium virorum, Magistrorum Willelmi de Pikerynge et Roberti de Pykerynge, germani sui, Canonicorum Eboracensium, (98) ac Johannis[1] Prioris de Bolton in Craven, super præmissis contentionibus omnibus et singulis[2] easdem contentiones ratione personarum et rerum quarumcunque contingentibus, ex certa scientia totaliter, specialiter et expresse, concorditer et bona fide, et sine aliquo scrupulo, alte, basse, pure, simpliciter et absolute submittimus et sub[j]icimus in omnibus et singulis supradictis: Ita quod liceat prædictis venerabilibus viris, æstimantibus[3] jura nostra, et scrutantibus vota nostra in præmissis, et circa ea de plano, alto et basse, ordinare,[4] laudare, dicere, arbitrium pronuntiare, et discernere prout eis melius videbitur expedire. Quorum ordinationem, laudum, dictum, arbitrium, arbitratum, pronuntiationem et decretum in omnibus et singulis prædictis, et circa ea, tam contra nos et successores nostros, et Mon'ium nostrum, quam pro nobis et success. nostris et Mon'io nostro, et personis quibuscunque nobis adhærentibus, Nos, Prior, et Conv. de Conyngesheved prædicti, per juramenta a nobis—Priore videl. personaliter, et a nobis Conv. per Johannem de Schirburn, Clericum, procuratorem nostrum, mandatum ad hoc habentem speciale, in animas nostras, inspectis et tactis sacrosanctis Evangeliis, præstita, promittimus pro nobis et successoribus nostris universis fideliter observare, et in omnibus adimplere. In cujus rei test. sig. nostrum commune est præsentibus appensum. Datum in Capitulo nostro, apud Conyngesheved, die Jovis proximo post f. Translationis S. Thomæ Martiris—videl. decimo die mensis Julii, A. G. millesimo ccc decimo.

CCCXV. Alia carta[5] inter Abbatem de Whiteby et Priorem de Conynghed.

Universis S. M. Eccl. filiis, ad quos pervenerit hæc scriptura, Prior et Conv. de Conyngesheved,[6] Ordinis S. Augustini,

[1] 1275-1330. See No. 329. [2] *et* inserted. [3] *se* inserted. [4] *ordinarie.*
[5] *Confirmatio* first written in and then crossed through, and *carta* substituted. [6] See last document.

Eboraci dioceseos, s. in Domino sempiternam. Cum venerabiles et discreti viri, Magister Willelmus de Pykerynge et Robertus de Pykrynge, germanus ejus, Canonici (98^{b}) Eboracenses, ac Johannes, Prior de Bolton in Craven, super pluribus contentionibus et diversis ortis et existentibus inter Religiosos viros, Abbatem et Conv. de Whiteby, Ordinis S. Benedicti, præfatæ dioceseos, ex parte una, et nos ex altera parte, facta prius submissione per nos in eosdem, ordinaverint renuntiationes faciendas prout in ipsorum ordinatione plenius continetur:— Nos, igitur, Prior et Conv. præd., habito super hiis solempni tractatu in Capitulo nostro, ordinationem prædictorum venerabilium virorum, M'rorum Willelmi, Roberti et Johannis, pure, simpliciter et sponte, in omnibus suis singulis articulis, admittentes, et eam expresso consensu homologantes, ac eidem omnino parere volentes, pro nobis et successoribus nostris imperpetuum, et ecclesia nostra de Overton alias Overyge, renuntiamus pure, sponte, simpliciter et absolute omnibus actionibus, petitionibus,[1] inquietationibus, querelis, impetrationibus, et prosecutionibus, occasione ingressus, invasionis, occupationis sive intrationis, ut dicitur, factarum in ecclesiam de Overton alias Overyge prædictam, in manerium, domos et clausturam apud Overton eandem, et etiam occasione spoliationis, occupationis, asportationis sive consumptionis decimæ garbarum et feni, et aliarum quarumcunque decimarum, tam majorum quam minorum, et aliarum rerum quarumcunque, quocumque nomine censeantur, qualitercunque et quandocunque provenientium, usque in diem confectionis præsentium litterarum; de quibuscunque t'ris, possessionibus, territorio, campis, pratis, pascuis, atque locis aliis, rebus, animalibus, et personis, et nominatim de Overton alias Overyge, Bogesfelle, Keldelithe, Sunnebygynge, Reyesbek, Langdal, Tibbay,[2] Ronnestwate, Scalesparke, Ellergylle et Gasegille, nobis qualitercunque competentibus, seu competere valentibus, contra dictos Abbatem et Conventum de Whiteby, et nominatim contra fratres Thomam (99) de Garton et Johannem de Wyntryngham, sive alios quoscunque ejusdem Mon'ii de Whiteby commonachos, et quoscunque alios servientes sive homines eorundem Abbatis et Conv. de Whiteby, sive contra quascunque personas, quibuscunque

[1] *pedicionibus.* [2] *Tilbay.*

nominibus censeantur, qui eisdem Abbati et Conv. seu quibuscunque commonachis suis, sive hominibus aliis opem præstantibus in præmissis, sive in aliquo præmissorum, vel præmissa qualitercunque contingentibus, qualitercunque præstiterint auxilium, consilium, vel favorem; ac etiam quibuscunque impetrationibus et prosecutionibus coram quibuscunque judicibus, ordinariis, delegatis, executoribus, qualemcunque jurisdictionem sive notionem habentibus, et officiorum suorum excitationibus et provocationibus in quacumque curia, ecclesiastica, civili, sive sæculari, et nominatim in curia D'ni Regis Angliæ illustris, sive auctoritate vel mandato ejusdem D'ni Regis coram quibuscunque suis Justiciariis, sive in Banco, sive aliis, assignatis vel assignandis, querelarum auditoribus sive inquisitoribus, seu coram ipso D'no Rege, nobis qualitercunque competentibus, directe vel indirecte, occasione præmissorum sive alicujus de eisdem, contra prædictos Abbatem et Conv. de Whiteby, et quoscunque alios, de quibus superius fit mentio quoquomodo. Ac etiam rato priore pacto remanente corporali juramento pro nobis et successoribus nostris in forma juris præstito et interveniente, fideliter promittentes nos et successores nostros teneri fabricæ Ecclesiæ B. Petri Eboraci in centum marcis sterlingorum eidem fabricæ solvendis, sine aliquo actu vel processu judiciali interveniente, unica monitione octo dierum dumtaxat excepta, infra quos volumus teneri sub juramento prædicto ad solutionem antedictam, si contingat quod contra præmissa, vel eorum aliqua, in aliquibus suis articulis, directe vel indirecte, vel per aliquod obliquum, seu quocunque studio vel ingenio, quod absit, veniamus, (99[b]) seu aliquod aliud faciamus, etiam quodcunque minimum quod ordinationem, laudum, dictum, arbitrium, arbitratum, pronuntiationem et decretum prædicta aliqualiter poterunt impedire, differre, vel etiam in posterum perturbare. In cujus rei test., sig. nostrum commune est præsentibus appensum. Datum in Capitulo nostro apud Conyngesheved, decimo tertio die mensis Martii, A. D. millesimo ccc decimo.

CCCXVI. Confirmatio una ecclesiæ de Crosseby.

Universis ad quos præs. litteræ pervenerint, Thomas,[1] p. d. Karleol. Ep'us, s. in omnium Salvatore. Noverit univ. v. quod,

[1] Thomas de Veteri Ponte, 125$\frac{5}{6}$; *ob.* Oct. 1256.

cum nuper in visitatione nostra compertum exstiterat quod Religiosi viri, Abbas et Conv. de Whiteby, Ebor. dioceseos, eccl. parochialem de Crosseby Ravenswarthe, nostræ dioceseos, in usus proprios possident atque tenent, contra jus commune: cum itaque ad ostendendum et exhibendum canonicum si quid habuerint super appropriatione et retentione dictæ ecclesiæ fuissent ad certos diem et locum coram nobis legitime evocati, dicti Religiosi, juxta formam evocationis ejusdem, per procuratorem eorum sufficienter constitutum, coram nobis comparuerunt, expositis et objectis parti eorundem Religiosorum omnibus prædictis, factaque responsione ad ea, juramento de calumpnia et de veritate dicenda præstito, diversis litteris et instrumentis exhibitis, testibus insuper per partem ipsorum Religiosorum introductis, juratis et examinatis—Nos, Thomas Karleol. Episcopus antedictus, quia per acta coram nobis super præmissis habita comperimus dictos Religiosos viros dictam ecclesiam, cum suis juribus et pertinentiis universis, fuisse et esse canonice[1] assecutos, ipsam[que] ecclesiam, a tempore et per tempus cujus initii memoria hominum non existit, tenuisse et habuisse et canonice possedisse,[2] eosdem Religiosos predictam ecclesiam in proprios usus habere debere, et fructus ejusdem percipere et in usus proprios convertere posse pronuntiamus et declaramus in hiis scriptis, ac ipsos Religiosos ab impetitione, molestatione et inquietatione officii (100) nostri, tanquam sufficienter in hac munitos, absolvimus et dimittimus per decretum. In cujus rei test. sig. nostrum præsentibus est appensum. Datum apud manerium nostrum de Rose, primo die Februarii A. D. millesimo ccc octogesimo secundo, et nostræ consecrationis vicesimo.

CCCXVII. Alia de Crosseby.

Universis S. M. Eccl. filiis, ad quos pr. litteræ perv., Willelmus,[3] p. d. Karleol. Ep'us, s. in D'no sempiternam. Cum

[1] *canonicos.* [2] *possidisse.*

[3] William Strickland, or Styrkland, elected in 1395, but not consecrated, the election being quashed by the Pope, and Robert Reade, Bishop of Waterford and Lismore, translated to Carlisle. He was succeeded by Thomas Merkes in 1397, who was deposed for high treason in 1398. On the deposition of Merkes, William Strickland was appointed to Carlisle by Papal

nos venerabiles et Religiosos viros, Abbatem et Conv. Mon'ii de Whiteby, Eborac. dioceseos, eccl. paroch. de Crosseby Ravenswarthe, nostræ dioceseos, tanquam sibi appropriatam, cum suis juribus et pertinentiis universis, optinentes citaverimus, ac ad ostendendum et exhibendum titulum suum quem super executione[1] dictæ ecclesiæ se habere prætendunt, coram nobis ad certos diem et locum, ac pro termino peremptorie fecimus evocari, iidem[2] Religiosi viri coram nobis, dictis die et loco, per procuratorem suum comparuerunt, idem procurator, pro ipsis et eorum nomine, nonnulla litteras et instrumenta super executione dictæ ecclesiæ exhibuit, per quas et alias evidentias et probationes, quas nobis ministrare curavit in hac parte, officium nostrum taliter informavit quod ipsos ab ulteriori impetitione officii nostri, quoad dictum beneficium et ejus executionem, et procuratorem ipsorum nomine eorundem, absolvimus et dimittimus absolutos. In cujus rei test. sig. nostrum pr. est appensum. Datum apud manerium nostrum de Rose, octavo die Januarii, A. D. millesimo cccc., et nostræ consecrationis primo.

CCCXVIII. Assignatio Abbati et Conventui de Whiteby de patronatu Ecclesiæ de Crosby.

Omn. S. M. Eccl. filiis, ad quos pr. scr. perv., Thomas de Hastynges[3] de Crosseby Ravenswarthe, frater D'ni Nicholai[4] de Alverstane, s. in Domino. Noverit univ. v. quod si aliquod jus vel clamium aliquem[5] in jure patronatus ecclesiæ de Crosseby Ravenswarthe habere videbar, vel habere potui (100b) me illud totaliter Abbati et Conv. de Whiteby pro me et hæredibus meis remisisse, quietumclamasse et renuntiasse imperpetuum; meque noveritis jus non habere vel habuisse in jure patronatus eccl. antedictæ, sed Abbatem et Conv. de Whiteby veros esse patronos ejusdem, quibus Torphinus de Alverstane et hæredes sui jus patronatus ipsius, una cum duabus carucatis t'ræ in Crosseby Ravenswarthe, cum pertinentiis, contulerunt. In cujus rei test. pr. scr. patenti sig.

Tho. de Hastynges de Crossby Ravensworth quitclaims to Whitby all right whatever in the patronage of the church of Crossby Ravensworth.

Bull. In 1399 he obtained restitution of the temporalities, and was consecrated in August 1400. *Ob.* 1419.

[1] *Ita*, and in two other places below. [2] *idem.*

[3] See Nos. 29, 30, etc. [4] See No. 320. [5] *aliqu'.*

meum apposui. Hiis testibus. D'nis Roberto de Askeby, Johanne de Moreville, Thoma de Musegrave, Thoma de Ellebec, militibus. M'ris Willelmo de Goldington, Waltero de Ravenesby, Ricardo de Beruse, Willelmo Pynkenehie de Maybruune, Adam filio Uttingi; et aliis.

CCCXIX. Alia carta de Crosseby in Westmorlanda.

Tho. de Hastynges liberates Whitby from suit to his mill at Crossby.

Omnibus hoc scr. vis. vel aud., Thomas de Hastyngs,[1] filius Thomæ de Hastyngs, salutem. Noverit univ. v. quod ego et hær. mei, vel mei assignati, nullam sectam ad molendinum meum de Crosseby de Abbate de Whiteby et hominibus suis, vel tenentibus suis, de aliquibus t'ris suis in Crosseby Ravenswarthe—de t'ris scil. quas habuerunt die Veneris proximo ante f. S. Barnabæ Apostoli, anno Regni Henrici, filii Regis Johannis, quadragesimo,[2] in dicta villa de Crosseby habere nec exigere possimus imperpetuum; et quod dictus Abbas et homines sui, seu sui tenentes, molent blada sua de dictis t'ris ubicunque eis melius viderint expedire, sine impedimento mei et hæredum meorum, vel assignatorum meorum. Et ad magnam hujus rei securitatem, hoc pr. scr. sig. mei impressione roboravi. Hiis testibus. Roberto de Askeby. Alano de Cataberge. Roulando de Revegille. Willelmo de Franceys. Willelmo de Goldington. Johanne de Berwys. Willelmo filio Adæ de Meburne; et aliis.

CCCXX. Alia carta de Crosseby. [M. 96b.]

Sciant omnes pr. et fut. quod contraversiæ[3] quæ motæ (101) fuerunt de omnibus placitis et querelis ab origine mundi usque ad Assumptionem B. Mariæ, A. D. millesimo cc sexagesimo octavo, inter d'num Nicholaum,[4] filium Thomæ de Hastyngs, petentem, et d'num Robertum, Abbatem de Whiteby, et ejusdem loci Conv., tenentes, pace amicabili in hunc modum sopitæ sunt:—scil. quod præd. d'nus Nicholaus concessit, remisit, et hac pr. c., pro se et hær. suis imperpetuum, quietum clamavit totum jus et clamium quod habuit, vel habere potuit,

[1] Grantor of preceding charter.
[2] 1256.
[3] M. Controversiæ.
[4] See Nos. 318, 319, 29, 30, etc.

in donatione, advocatione, et in præsentatione ecclesiæ de Crosseby Ravenswarthe in Westmorlanda et in dote ejusdem ecclesiæ, cum pertinentiis suis [sine][1] aliquo retinemento; et totum jus et clamium quod habuit, vel habere potuit, in terris arabilibus, boscis, moris et pasturis, cum pertinentiis, quæ continentur infra divisas subscriptas—scil., sicut le Rygge extendit ad occidentalem partem de Botekeld[2] desursum Bellaclyf,[3] et inde usque ad Helrekeld, et inde usque in Derwent, et sic per ascensum[4] de Derwent usque ad ipsam sursam de Derwent, et inde versus orientem usque ad Bludebec,[5] et sic inde sicut Munkesty transversat Bludebec[5] et ascendit Gateleclyff[6] et vadit usque ad Bradelay, et inde descendit per semitam de Langdale,[7] et totum Rulethwate[8] usque ad Kaldkeld[9] et de Kaldkeld[9] usque ad fontem de Holigate,[10] et totum Haywaclyff[11] sicut se extendit contra prædictum Rygge: Tenendum et hab. prædictis Abbati et Conv., et eorum success., imperpetuum: salva tamen eidem Nicholao et hær. vel assignatis suis, exceptis aliis viris Religiosis, et Judæis, villa de Brokesay,[12] cum omnibus hominibus suis, et cum omn. pert., estoveriis et com[m]unis in boscis, moris et pasturis infra præd. divisas, et alibi ubi ipse et antecessores sui et homines eorum communicare solebant:—ita scil., quod ipse et hær. (101b) sui, vel sui assignati, et homines sui in eadem villa manentes, capiant estoveria sua de viridi bosco et sicco stante per liberationem forestariorum D'ni Abbatis, sine contradictione ipsorum seu aliorum ministrorum dicti Abbatis, quotienscunque opus fuerit, sine dilatione vel impedimento. De lignis autem siccis ad terram prostratis, et de turbario [et] bruario capiant estoveria sua sine liberatione et visu, absque impedimento alicujus, sine venditione, donatione, vastu[13] vel exilio, quotienscunque necesse fuerit ei vel hær. vel assignatis suis, seu hominibus suis de Broksay,[12] salvo etiam ei et hær. suis, vel assignatis, pannagio de propriis porcis et de porcis hominum suorum de

1 M. omits *suis*, and inserts *sine*.
2 M. Butekeld.
3 M. Billaclif'.
4 *assensum*.
5 M. Blodebek, Blodybek.
6 M. Gaitelayclif.
7 M. Langedale.
8 M. Ruletwhait.
9 M. Caldkeld, Caldekeld.
10 M. Holgat'.
11 M. Haywayclif.
12 M. Brokesey, Brokesay.
13 M. vasto.

Broksay,[1] faciendo inde servitia[2] dicto D'no Abbati et Conv., et eorum successoribus, ut in firmis, servitiis[2] et operibus, sicuti ipse et antecessores sui huc usque facere consueverunt, imperpetuum—scil. decem solidos per annum—ad Pent. quinque sol. et ad f. S. Martini in yeme quinque solidos; et omnes carucas dictæ villæ de Broksay, semel in anno per unam dietam, ad arandum t'ram præd. Abbatis; et de qualibet domo unum hominem per unam dietam ad metendas segetes[3] dicti Abbatis, ad citationem ministri Abbatis prædicti; et sectam Curiæ dicti Abbatis, sicuti ipse et antecessores sui facere consueverunt, pro omn. servitiis. Pro hac autem concessione, remissione et quietaclamatione prædicti Abbas et Conventus, pro se et succ. suis, concesserunt, remiserunt et imperpetuum quietumclamaverunt totum jus et clamium quod habuerunt, vel habere potuerunt, in dimidia carucata t'ræ, vel in aliqua alia t'ra in villa et in territorio de Alverstane de dono Torphini,[4] hab. et ten. dicto d'no Nicholao et hær. suis vel assignatis imperpetuum. Si vero præd. Nicholaus, vel hæredes sui, aliquid scriptum sigillo Capituli de Whiteby signatum de cætero invenerint, quod huic compositioni fuerit contrarium, omnino (102) quantum ad hoc viribus carebit, et pro nichilo habeatur. Et ut hæc concordia perpetua sit et stabilitatem habeat æternalem, præd. Nicholaus, pro se et hær. suis, parti pr. scripti penes dictos Abbatem et Conv. existenti sig. suum apposuit: et prædicti Abbas et Conv., pro se et succ. suis, parti penes dictum Nicholaum remanenti sig. Capituli sui apposuerunt. Hiis testibus. D'nis Willelmo de Latamere, Thoma de Hesillertona, Nicholao Denyas, militibus. D'no Willelmo de Percy, Canonico Ebor. M'ro Rogero de Hesillertona. Willelmo de Everley de Uglardby. Alano fratre ejus. Thoma de Ebberstona. Willelmo de Morpathe. Roberto Buscel. Roberto de Rostona. Rogero Haldan. Petro de la Gayole. Radulpho de Midilsburghe. Ricardo de Butterwyk; et aliis.

CCCXXI. Carta alia de Crossby.

Omn. S. M. Eccl. filiis, ad quos pr. scr. perv., Willelmus de Hastÿnges,[5] filius Thomæ de Hastyngs, s. in Domino. Noverit

[1] M. Brokesey, Brokesay. [2] *seruisia*, *seruisiis*. [3] *sigites*.
[4] M. supplies "de Alverstane." [5] See last deed, and references in notes.

univ. v. me, pro me et pro hær. meis, et etiam pro assignatis meis et assignatis hær. meorum, remisisse et quietam clamasse Religiosis viris, Abbati et Conv. de Whiteby, et eorum successoribus, totum jus et clamium quod unquam habui, vel aliquo modo habere potui, in advocatione ecclesiæ de Crosseby Ravenswarthe, seu in jure præsentandi ad eandem :—Ita videl. quod nec ego, nec hær. mei, vel assignati mei, seu assignati hær. meorum, aliquid juris vel clamii in præd. ecclesiæ advocatione exigere poterimus, vel vendicare, imperpetuum. Fateor enim prædictos Religiosos viros esse patronos antedictæ eccl., quibus Torphinus de Alverstane et hær. sui jus patronatus ipsius ecclesiæ, una cum duabus carucatis t'ræ in Crosseby Ravenswarthe,[1] cum pertinentiis, pro s. a. suarum dederunt et confirmaverunt. In cujus rei test. pr. scr. sig. meum apposui. Hiis testibus. Magistro Willelmo de Bramton. Ada de Haverington. Thoma Breton de Appelby. Roberto de Monach'. Andrea (102b) de Nateby. Symone de Sartrino; et aliis.

Will. de Hastinges, son of Tho. de Hastinges, quitclaims to Whitby all right in the advowson of Crosseby Ravensworth Church.

CCCXXII. Alia de Crosseby.

Omnibus has litteras vis. vel aud., Rogerus, filius Adæ de Thirton, et Cristiana[2] uxor ejus, salutem. Sciatis nos relaxasse et hac pr. c. nostra quietum clamasse Deo et Eccl. S. P. et S. Hyldæ de Whiteby, et mon. ib. Deo serv., totum jus et clamium quod habuimus, vel habere potuimus, in duabis bovatis t'ræ quas Silvester[3] quondam tenuit, cum tofto et crofto et omn .pert. suis. Et ut hæc relaxatio et quieta clamatio, pro nobis et hær. nostris, rata permaneat, huic scripto sigilla nostra apposuimus. Hiis testibus. Willelmo, Vicario de Crosseby.[4] Michaele Decano [de] Westmorlande.[5] Gilberto, tunc Vicecomite [de] Appelby.[6] Rolando de Refesgille. Waltero de Revesby. Waltero filio ejus; et aliis.

Roger fitz-Adam de Thirton quitclaims to Whitby all his right in the two bovates formerly held by Silvester (de Crossby, his father-in-law).

CCCXXIII. Alia de Crosseby.

Omnibus ad quos pr. scr. perv., Cristiana,[7] filia Silvestri de

[1] *Rawenswarthe.* [2] Daughter of the Silvester mentioned below.
[3] Described as Silvester de Crosseby in the next deed.
[4] Described in next deed as "Will. de Waldene, tunc Vicario," etc.
[5] "Michaele de Morelund, tunc Decano," etc., in next deed.
[6] "Gilberto de Kirkcon[nel] tunc Vic' de Westmorlande" (not Appelby), in next deed. [7] See last and next deeds.

Cecilia daughter of Silvester de Crossby, and widow of Roger fitz-Adam de Thirton, quitclaims to Whitby all right in two bovates in Crossby.

Crosseby, s. in Domino. Noverit univ. v. me, in legitima viduitate mea concessisse et qui. clamasse, pro me et hær. meis, totum jus quod habui, vel habere potui, et quod dixi me habere, in duabus bovatis t'ræ, cum pert., in Crosseby Ravenswarthe, Abbati et Conv. de Whiteby—Tenendas et habendas dictis Abbati et Conv. imperpetuum : ita videl. quod nec ego nec hær. mei aliquid juris in præd. t'ra de cætero possimus exigere. Istam vero concessionem et quietam clamationem feci dictis Abbati et Conv. ad f. S. Laurentii, A. G. millesimo cc^{mo} xl, pro centum solidis, quos michi præ manibus in maxima necessitate mea dederunt. Ego vero et hæredes mei dictam t'ram dictis Abbati et Conv. c. o. h. imperpetuum warantizabimus. Si vero contigerit quod ego vel hær. mei, quod absit, temere contra dictam quietam clamationem venire voluerimus, obligo (103) me et hæredes meos ad pœnam centum solidorum solvendorum dictis Abbati et Conv.; et nichilominus, si aliquam impetrationem de præd. t'ra fecimus, omnino viribus careat et nobis nichil proficiat. Et in hujus rei test. huic scr. sig. meum apposui. Hiis testibus. Michaele de Morelund, tunc Decano de Westmorlande. Willelmo de Walden, tunc Vicario de Crosseby. Gilberto de Kyrkecon', tunc Vic[ecomite][1] de Westmorlande. Waltero de Mayburne, cum duobus filiis suis, Waltero et Johanne. Roulando de Refegille. Alano de Berwys. Hugone de Colby; et aliis.

CCCXXIV. Alia de Crosseby.

Omnibus has litteras vis. vel aud. Cristiana,[2] filia Silvestri de Crosseby Ravenswarthe, salutem. Sciatis me, in viduitate mea et legitima potestate mea, relaxasse et qu. clamasse, pro me et hær. meis inperpetuum, Deo et Eccl. B. P. et S. Hyldæ de Whiteby, et mon. ib. Deo serv., totum jus et clamium quod habui, vel habere potui, in duabus bovatis t'ræ cum tofto et crofto, et omn. pert. suis, in villa de Crosseby Ravenswarth quas pater meus Silvester quondam tenuit. Et ut hæc mea relaxatio et quieta clamatio rata sit et stabilis, huic scr. sig. meum apposui. Hiis testibus. Willelmo, Vicario de Crosseby.

[1] *Vicario:* but see last deed, and note. Vicar of Westmoreland is as impossible as Viccecomes of a county town.

[2] See preceding deeds.

Michaele, Decano [de] Westmorlande. Roulando de Revesgille. Waltero de Revesby. Waltero filio ejus; et aliis.

CCCXXV. Alia carta.

Reverendissimo Patri et D'no H[onorio], D. G. Summo Pontifici, Abbas de Selby, de Dunelmo, de Gysburnia et de Fynchale Priores, s. in Domino, et causam devotam quam debitam in omnibus obedientiam et reverentiam. Noverit Sanctitas vestra nos inspexisse cartas virorum Venerabilium, Abbatis et monachorum de Whiteby, quas habent super ecclesia de Crosseby Ravenswarthe, quarum transcriptum sub testimonio sigillorum nostrorum Sanctitati (103b) vestræ transmittimus, supplicantes attentius quatinus ipsos solita benignitatis gratia super petitionibus suis vestra dignetur exaudire clementia. Valeat Sanctitas vestra in Domino.

CCCXXVI. Alia carta de Crosseby.

Omnibus ad quos pr. scr. perv., de Revalle et de Belleland Abbates, de Gysburne, de Brydlington, de Novoburgo, et de Marton Priores, æternam in Domino salutem. Noverit univ. v. nos diligenter inspexisse, et manibus nostris attrectasse cartas et instrumenta Venerabilium virorum, Abbatis et monachorum de Whiteby, quæ habent super ecclesia de Crosseby Ravenswarth in Karleolensi diocesi, quorum tenorem, verbum et verbo, prout in autenticis eorum, inspeximus sub testimonio sigillorum nostrorum [quæ] ad petitionem eorundem Abbatis et monachorum de Whiteby huic scripto apposuimus.

CCCXXVII. Alia de Crosby.

Omn. Christi fidelibus has litteras vis. vel aud., Thomas de Hastynges, s. in Domino. Noverit univ. v. me ratas et gratas habere omnes donationes et concessiones quas Torphinus de Alverstane, et Alanus filius ejus, avus meus, etc.[1]

[1] This is merely another copy of No. 31, with a small variation or two on spelling, as "Rawenswarthe" for "Raueneswarth," "Bussell" for "Buscel," "Geddynges" for "Gedding," and the addition of three more witnesses, viz.:—Roberto de Fylynge. W. . . . de Whiteby. W. . . . de Hergum.

CCCXXVIII. Confirmatio Honorii Papæ de Crosby.

(104) Honorius[1] Ep'us, Servus servorum Dei, dilectis filiis, Abbati et Conv. Mon'ii de Whiteby, s. et apostol. benedictionem. Justis petentium desideriis dignum est nos facile præbere consensum, et vota quæ rationis tramite non discordant effectu[2] prosequente complere. Ea propter, dilecti in Domino filii, vestris justis postulationibus gratum impartientes assensum, ecclesiam de Crosseby quam canonice [vos] proponitur optinere, sicut eam juste ac pacifice possidetis, vobis, et per vos Monasterio vestro, auctoritate apostolica confirmamus et pr. scripti patrocinio communimus.[3] Nulli ergo omnino hominum liceat hanc paginam nostræ confirmationis infringere, vel ei, ausu temerario, contraire. Si quis autem hoc attemptare præsumpserit indignationem Omnipotentis Dei et Beatorum Petri et Pauli, Apostolorum[4] Ejus, se noverit[5] [incursurum]. Datum apud Lateranum, iiii° nonas Maii, Pontificatus nostri anno sexto.

CCCXXIX. Alia carta de Crosseby.

In nomine Domini. Amen. Universis pateat per præsentes quod nos, Willelmus de Pykrynge et Robertus de Pykrynge, germanus ejus,[6] Canonici Eboracenses, ac Johannes, Prior de Bolton in Craven, quasdam submissiones Religiosorum virorum, Abbatis et Conv. de Whiteby, Ordinis S. Benedicti, Eboraci dioceseos, ex parte una, et Prioris et Conventus[7] de Conyngesheved, Ordinis S. Augustini, dictæ dioceseos, ex altera, recepimus sub tenoribus infrascriptis:—Universis tenor[8] præsentium innotescat[9] quod, cum inter nos, Abbatem et Conv. de Whiteby, Ebor. dioceseos, Ord. S. B., eccl. parochialem de Crosseby Ravenswarthe Karliol dioceseos in proprios usus optinentes et

[1] This must be Honorius III. (1216-1227), for the confirmation granted is granted "anno sexto" of his reign. Honorius V. was Pope from 1285 to 1288, or some three years only, consequently the confirmation must date in 1222.

[2] *effecte.*

[3] *communimur.*

[4] *Appostolorum.*

[5] Some word, such as *incursurum*, is requisite here to complete the sense.

[6] See No. 314.

[7] *Priorem et Conventum.*

[8] *tenorem.*

[9] *innotescit.*

prætendentes villas de Overton alias Overyge [*etc., as in No.* 314][1] tam contra nos et successores nostros et Mon'ium nostrum, quam pro nobis et succ. nostris et Mon. nostro, et personis quibuscunque nobis adhærentibus:—Nos Abbas et Conventus de Whiteby per juramenta a nobis—videl. Abbate personaliter, et a nobis, Conventu, per Henricum de Rillyngton, Clericum, procuratorem nostrum mandatum ad hoc habentem speciale, in animas nostras, inspectis et tactis sacrosanctis Evangeliis, præstita, promittimus pro nobis et successoribus nostris universis fideliter observare, et in omnibus adimplere. In cujus rei test. sig. nostrum commune præsentibus est appensum. Datum in Capitulo nostro apud Whiteby, die Jovis proximo post f. S. Thomæ Martiris, videl. decimo die mensis Julii, A. G. millesimo ccc^{mo} decimo.

Item per presens scriptum pateat universis quod cum inter Religiosos viros, Abbatem et Conv. Mon'ii de Whiteby, Ordinis S. Benedicti, Eboraci dioceseos, ecclesiam parochialem de Crossby Ravenswarthe, Karliol. dioceseos, in proprios usus optinentes, et prætendentes villas de (105^{b}) Overton alias Overyge, Bogefell [*etc., precisely as in No.* 314]. Datum in Capitulo (106^{b}) nostro apud Coningesheved, die Jovis proximo post f. Translationis S. Thomæ Martiris—videl. decimo die mensis Julii, A. G. millesimo ccc^{mo} decimo. Nos igitur Willelmus et Robertus, Canonici, ac Johannes Prior, prædicti, pro bono pacis et concordiæ inter partes suprascriptas, prædictas submissiones, suppositiones[2] et subjectiones in nos factas, utriusque partis consensum admittimus et approbamus, æstimantes ergo non solum apud nos jura partium prædictarum, sed[3] etiam vota et voluntates spontaneas solicitius examinantes, ordinamus, laudamus, dicimus, arbitramur, pronuntiamus et decernimus quod, sine contradictione, perturbatione, molestatione, inquietatione, impetitione quibuscunque dictorum Abbatis et Conv de Whiteby, sive per eosdem, aut eorum nomine, in quacunque Curia ecclesiastica vel sæculari de cætero qualicunque faciendis, memorati Prior et

[1] There are variations of spelling as to the place-names, and as the entire document runs in the name of the Abbot and Convent of Whitby, *nos* and *nostræ* are used in place of *eos*, *eorum*, *suæ*, etc. As instances of the former we have "Boghefelle," "Tylbay," "Gassegyll," in place of the "Gogesfeld," "Tybba," "Gassegille," of the first part of No. 314.

[2] *supposissionis.* [3] *set.*

Conv. de Coningesheved prædictam ecclesiam de Overton alias Overyge parochialem, cum omnibus suis juribus et pertinentiis, in proprios usus habeant et teneant imperpetuum, necnon omnes decimas, tam majores quam minores, de villis [de] Overton alias Overyge, Bogesfelle, Keldlithe, Sunnebygynge, Reisebeke, Langdal, Tilbay, Rennestwathe, Scalesparke, Ellergille et Gassegille, ac de terris, campis, possessionibus, culturis, rebus, animalibus et personis earundem villarum imperpetuum possideant, percipiant, et de eis pro suæ libito voluntatis disponant pacifice, integre, et irrefragabiter, jure, clamio, actione, petitione, prosecutione, querela, demanda aut contradictione dictorum Abbatis et Conv. de Whiteby quibuscunque, eorumve successorum, super memorata ecclesia de Overton alias Overyge, aut memoratis decimis, vel quacunque parte earundem, nequaquam obstare valentibus neque imperpetuum valituris; quod quidem Abbas et Conv. de Whiteby prædicti scripta, evidentias, monumenta omnia et singula (107) dictam ecclesiam de Overton alias Overyge, aut decimas præscriptarum villarum tantum tangentia, quæ penes eos resident vel existunt, præfatis Priori et Conv. de Coningeshed bona fide restituant, liberent[1] sive reddent, quæ omnia et singula, quoad ipsos Abbatem et Conv. de Whiteby, eorum commodum, utilitatem et profectum, ex nunc per ordinationem, laudum, sive dictum nostrum vacua, cassa et nullius momenti existant, omnique careant robore infirmitatis. Et nichilominus idem Abbas et Conv. de Whiteby, per suas litteras patentes, eorum sigillo communi signatas, prædictis Priori et Conv. de Coningesheved liberandas, renuntient, pro se, et successoribus suis et Mon'io suo imperpetuum, omnibus actionibus, petitionibus, inquietationibus, prosecutionibus, querelis et clamiis, ac omnibus juris et facti remediis ipsis qualitercunque competentibus ad sæpedictam ecclesiam de Overton alias Overyge, vel ad decimas supradictas, vel earum partem aliquam, cum suis juribus et pertinentiis, vel in ipsis aut aliqua parte earum, seu earundem occasione qualitercunque, ac specialiter beneficio restitutionis in integrum, ac illis litteris apostolicis, ea quæ de bonis in majori forma vel minori, ac omnibus aliis litteris apostolicis,[2] impetrationibus, appellationibus, et aliis remediis quibuscunque, quæ poterunt memoratis Abbati et Conv. de Whiteby, circa præmissa, vel

[1] *liberant.* [2] *appostolicis.*

eorum aliqua, quomodolibet prodesse, et memoratis Priori et Conv. de Coningesheved aliquo casu in futurum obesse vel nocere: hujus[modi]que actiones, petitiones, prosecutiones, querelas et clamia, juris remedia quæcunque, dictis Priori et Conv. de Coningesheved totaliter remittentes; quodque præfati Prior. et Conv. de Coningesheved, pro se et success. suis imperpetuum, et ecclesia sua de Overton alias Overige prædicta, renuntient pure, sponte, simpliciter, absolute, omnibus actionibus, (107[b]) petitionibus, [*etc., as in No.* 315, *p.* 266] seu etiam coram ipso Domino Rege, eis quali[ter]cunque competentibus, directe vel indirecte, occasione præmissorum, seu alicujus de eisdem, contra prædictos Abbatem et Conv. de Whiteby, et quoscunque alios de quibus superius fit mentio quoquo modo.[1] In cujus rei test. Nos, Willelmus, Robertus et Johannes prædicti, utrique parti hujus nostræ ordinationis indentatæ sigilla nostra apposuimus, ac etiam prædicti Abbas et Conv. de Whitby parti predictæ ordinationis penes eosdem Priorem et Conv. de Coningheved remanenti, et iidem Prior et Conv. alteri parti præfatæ ordinationis penes eosdem Abbatem et Conv. residenti, in testimonium approbationis, ratificationis, et homologationis ipsius ordinationis imperpetuum valiturum, sigilla sua consensu expresso et unanimi apposuerunt. Datum in Capitulo n. Ecclesiæ B. Petri, Eboraci, quarto die mensis Augusti, A. G millesimo ccc. decimo.
Cum quatuor sigillis.

CCCXXIXa.

In nomine Domini, Amen, et cætera, sicut continetur in libro p' antea, et eadem sententia quæ est in libro qui præcessit, etiam quatuor sigillis.

CCCXXX. Alia carta de Crosseby.

(108) Acta in Ecclesia Cathedrali Karleolensi in crastino S. Trinitatis, A. D. millesimo cc sexagesimo tertio, coram nobis Magistro M[ichaele][2] de Hampsted, Archidiacono loci, judice a Sede Apostolica deputato in causa quæ vertitur coram nobis

[1] It will be observed that in No. 315 the deed goes on beyond this point:—"Ac etiam rato priore pacto," etc.

[2] The Christian name is supplied from No. 307, wherein, however, he is not designated Archdeacon.

auctoritate Apostolica super eccl. de Crosseby Ravneswarthe, Karliol. dioceseos, inter Willelmum de Sevenak, Clericum, actorem personaliter comparentem, ex parte una, et Abbatem et Conv. Mon'ii de Whiteby, Ordinis S. (108b) Benedicti, Ebor. dioceseos, per Astinum de Thornton, Clericum, procuratorem suum legitime constitutum comparentem, ex parte altera:—Videl. cum constaret nobis, tam per litteras quam vivam vocem Decani Westmariæ ibidem præsentis, prædictos Abbatem et Conv. legitime fuisse citatos ut prædictis die et loco coram nobis vel commissariis nostris comparerent, prædicto Willelmo de Sevenake, Clerico, super prædicta eccl. de Crosseby Ravneswarthe responsuros,[1] . . .[2] lectis coram nobis in judicio litteris apostolicis, procuratorio et aliis instrumentis judicialibus, eorumque copia hinc inde petita et obtenta, signoque nostro signata, oblatoque libello et a prædicto procuratore recepto, eidem procuratori diem ad deliberandum et ad dominos suos consulendos, et libello in forma juris respondend', præfiximus —videl. diem Lunæ proximum ante f. Nativitatis Johannis Baptistæ, loco quo prius, et partibus, ad ulterius faciendum quod postulavit ordo juris.

CCCXXXI. Alia carta de Crosseby Ravneswarth, et cætera.

Dicit[3] et proponit Willelmus de Sevenake, Clericus, coram vobis, Magister Thomas de Foveis, Officialis, et Commissari D'ni Archidiaconi[4] Karleol., judices a Sede Apostolica delegati, quod cum ipse Abbatem et Conventum de Whiteby O. S. Benedicti, Ebor. dioceseos, super ecclesia de Crosseby, Karleol. dioceseos, coram Succentore Ecclesiæ Karleol. et ejusdem loci Magistro stolarum, quibus Archidiaconus prædictus, judex a Sede Apostolica delegatus, in ipsa causa non in totum vices suas commiserat, auctoritate litterarum D'ni Papæ convenisset,

[1] *responsuri.*

[2] The text appears to be corrupt here, the reading being "juris perituri." It is difficult to suggest the needed correction.

[3] *Vicit*, but the correction is obvious. See No. 338.

[4] Archdeacon Henry was witness to a grant of Bishop Chause's about 1260. The document named in the last note, and closely related to the present one, is dated 1264.

propositis quibusdam frivolis exceptionibus et cassatis, dicti Abbas et Conv. ad Sedem Apostolicam frivole appellarunt, cum non fuisset ad eam sed ad Archidiaconum memoratum appellandum, prætextu cujus appellationis, occasione litis retardatæ, (109) memoratus Willelmus dampna gravia et expensas, quas æstimat ad quadraginta marcas, se asserit incurrisse: quare petit idem Willelmus prædictos Abbatem et Conv. ad xl marcas expensas nomine sibi condempnari, et ad satisfaciendum eidem Willelmo de xl marcis petit prædictos Abbatem et Conventum, ac procuratorem eorum eorundem nomine, compelli. Hæc dicit salvo sibi juris beneficio in omnibus.

CCCXXXII. Alia carta de Crosseby.

Omn. S. M. Eccl. filiis ad quos pr. litteræ pervenerint, Magister Hospitalis Riponiæ, et Decanus Christianitatis [loci] ejusdem, gerentes vices Prioris de Kirkeham,[1] et D'ni Hugonis de Roderham, Canonici Riponiæ, judicum a Sede Apostolica deputatorum, D'no Roberto,[2] Archidiacono Dunelmensi, tertio eorum conjudice, ad totam causam legitime excusato, in causa appellationis interjectæ per Abbatem et Conventum de Whiteby ab augmentatione facta vicariæ ecclesiæ eorum de Crosseby Ravneswarthe, Karliol. dioceseos, de lana et agnis, per officium Venerabilis patris, D'ni R[oberti],[2] Karliol. Episcopi, et Archidiaconi Karliol., quibus idem Episcopus, judex a D'no Papa delegatus, commiserat[3] super hoc totaliter vices suas, salutem in Domino sempiternam. Cum pro appellatione et ejus causa, justitia mediante, pronuntiaverimus augmentationem prædictam de lana et agnis revocando, et eosdem lanas et agnos Abbati et Conv. adjudicantes, ac perpetuo nexu, sicut prius semper fuerant, rectoriæ ecclesiæ memoratæ unientes;—Vobis omnibus et singulis, in virtute obedientiæ qua Sedi Apostolicæ tenemini firmiter injungendo, mandamus quatinus dictam sententiam nostram, aut ipsius effectum, perturbare, impedire aut contraire quocumque modo non præsumatis, sub pœna

[1] Hugh occurs in 1261.—(Burton, p. 377.)

[2] Robert de St. Agatha was collector of the tenth in the diocese of Durham in 1267, and was Archdeacon in 1271.—(Le Neve.)

[3] *conuicerat*, which is obviously erroneous. The next deed, which see as connected with this, reads *commiserat*.

majoris excommunicationis quam ex nunc in scriptis fulminamus in omnes illos eorum fautores, consiliarios et auctores qui dictam sententiam (109b) subvertere, perturbare, ipsius effectum impedire, contraire qualitercunque præsumunt. Datum apud Ripon, A. D. millesimo cc^mo sexagesimo quarto, die Veneris proximo post f. Beati Johannis Beverlaci.

CCCXXXIII. Alia carta de Crosseby.

In nomine Patris et Filii et Spiritus Sancti, Amen. Auditis et intellectis meritis causæ appellationis quæ vertitur inter D'num Abbatem de Whiteby et ejusdem loci Conv., ex parte una, et Adam de Waythamsted,[1] Capellanum, qui se opponebat eisdem asserens se jus habere in vicaria ecclesiæ de Crosseby Ravenswarthe, Karliol. dioceseos, super augmentatione facta ejusdem vicariæ de lana et agnis, per officialem Domini Karliol. et Archidiaconum Karliol., quibus dominus R[obertus],[2] nunc Karliol. Ep'us, judex a Domino Papa delegatus, commiserat super hoc vices suas, Nos, Magister Hospitalis Riponiæ, et Decanus Christianitatis loci ejusdem, gerentes vices D'ni Prioris de Kirkham et D'ni Hugonis de Roderham, judicum principalium a Sede Apostolica deputatorum, domino Archidiacono Dunelm.,[3] tertio eorum conjudice, ad totam causam legitime excusato, juris ordine in onmibus et per omnia observato, cum constet nobis prælibatos Abbatem et Conv. appellationem et ejus causam legitime probavisse—scil. se ad Sedem Apostolicam legitime appellasse ab Officiali et Archidiacono, Commissariis Episcopi prælibati, eo quod vicariam prædictam prius sufficienter per bonæ memoriæ Walterum,[4] quondam Karleol. Ep'um, taxatam in lana et agnis, indebite augmentaverunt in non modicum dictorum Abbatis et Conv. præjudicium et gravamen, Deum habentes pro [5] oculis, jurisperitorum communicato consilio, pro prædictis appellatione et ejus causa pronuntiamus, ipsorum Officialis (110) et Archidiaconi augmenta-

[1] See No. 312, last deed, and No. 335.

[2] Robert de Chause, or Chausey, elected 125⅞, consecrated 1258; *ob.* 1278.

[3] Robert de S. Agatha.

[4] Walter Mauclerk, 1223, resigned 1246; *ob.* 1248. See No. 313 (p. 262).

[5] *per.*

tionem seu sententiam diffinitive revocamus, cassamus, et irritamus, revocando in irritum et inane quicquid ex ea secutum est, vel ob eam lanam et agnos ad dictam ecclesiam nomine decimæ pertinentes portioni dictorum Abbatis et Conv. ipsius ecclesiæ, hoc est rectoriæ, adjudicantes, et perpetuo nexu, sicut semper prius fuerunt, unientes, omnes contradictores et rebelles ex nunc in scriptis excommunicando. Actum in præbendali Ecclesia Riponiæ, die Veneris proximo post f. S. Johannis Beverlaci, A. D. millesimo, ducentesimo, sexagesimo quarto.

CCCXXXIV. Memorandum de alia carta de Crosseby quæ est in Thesaurario cujus inceptio sic est.

Venerabili viro et discreto, M'rō Roberto, Rectori ecclesiæ de Dalston, juris canonici Professori, Commissario D'ni Prioris de Bredon, judicis a Sede Apostolica delegati, Decanus Westmariæ s. in Domino, et cætera.

CCCXXXV. Alia carta de Crosseby.

Hugo de Roderham,[1] Canonicus Riponiæ, judex a D'no Papa delegatus, discretis viris, D'no Priori de Kirkeham, conjudici suo, et Magistro Hospitalis Riponiæ, s. in Domino sempiternam. In causa appellationis michi una cum dict. Priore et M'ro R[oberto], Archidiacono Dunelmiæ a Sede Apostolica commissa, quæ dicitur[2] interjecta per Abbatem et Conv. de Whiteby ab ordinatione seu augmentatione facta super vicaria ecclesiæ eorum de Crossby Raveneswarth,[3] Karliol. dioceseos, per Officialem Venerabilis patris Karleol. Ep'i et Archidiaconi Karliol., quibus idem Ep'us, auctoritate papali in hoc negotio fultus, ut asserunt, super hoc commiserat vices suas, vobis sub alternatione vices meas committo. Quod si non ambo hiis exequendis interfueritis, unus vestrum qui præsens fuerit nichilominus procedat in negotio memorato, ista commissione duratura quousque eam duxero (110[b]) revocandam. Datum apud Benistone, xvii kalendas Januarii, A. G. millesimo ducentesimo sexagesimo tertio.

[1] See No. 333, etc. [2] *d'r.* [3] *Rauueneswarth.*

CCCXXXVI. Memorandum de alia carta quæ est in Thesaurario cujus inceptio sic est.

In nomine Domini. Amen. Anno ab Incarnatione ejusdem, secundum cursum et computationem Ecclesiæ Angliæ, millesimo ccc xiii°, indictione duodecima, vicesimo quinto die mensis Januarii, constitutus personaliter in testium subscriptorum et mei, notarii publici infrascripti, præsentia, coram Venerabili patre, D'no Willelmo,[1] D. G. Eboraci Archiepiscopo, Angliæ Primate, in capella ejusdem patris, infra Manerium suum de Scroby, et cætera.

CCCXXXVII. Item alia de Crosseby.

Universis inspecturis vel auditarus hoc publicum instrumentum, Magister Dalphinus de Neapoli, D'ni Papæ Subdiaconus et Capellanus, causarum palatii ejusdem D'ni generalis Auditor,[2] s. in Domino. Noverit univ. v. quod constitutus in nostra præsentia M'r Willelmus de Fostona, Clericus, appellationem inscriptam contra Willelmum Freselle, olim Officialem Karleol., interposuit in hæc verba:—Quia cum in causa appellationis quæ au[c]toritate Apostolica vertitur inter Willelmum Freselle, olim Officialem Karliol., actorem, ex parte una, et me, Willelmum de Fostona, perpetuum Vicarium ecclesiæ de Crosseby Ravenswarthe, Karliol. dioceseos, ex altera, super præd. vicaria, coram Archidiacono de S. Albano, judice a Sede Apostolica delegato, idem judex cognoscens, me non monito nec lege citato, nec per contumaciam me absentare,[3] sententiam diffinitivam per Officialem Eboraci pro me latam ex arrupto contra justitiam infirmavit. Cum hoc nunc prius ad meam notitiam pervenerit ab eodem Archidiacono d'num Papam inscriptum appello. In cujus rei test. et futuram memoriam præmissorum hoc instru(111)mentum de Magistro nostro, per subscriptum notarium scriptum et publicatum, fecimus nostro sigillo muniri. Actum apud urbem Beneventem, et in hospitio dicti M'ri Dalfini, A.

[1] William Grenefeld, consecrated January 130$\frac{5}{6}$; *ob.* 1315.

[2] *Auditor'.*

[3] The construction here is very confused, but the meaning seems to be clear.

D. millesimo cc sexagesimo secundo, ind[ictione][1] sexta, mensis[2] Decembris die quinto, intrantis Pontificatus Domini Urbani Papæ quarti anno secundo, coram hiis testibus—Magistro Ramundo, Canonico Ilarden[ensi]; Magist[r]is Birrando de Cuniis; Altegrado de Laureto; Magistro Benvenuto de Neapoli. Ingle[3] de Suanathrot; et aliis, ad hæc præsentibus rogatis.

✠ Ego Jacobus Tundini de Podioboize[n][4] au[c]toritate sanctæ Romanæ Ecclesiæ judicialiter ordinatus, et notarius publicus, prædictæ appellationi interfui, et eam ut supralegitur ma . . .[5] dicti audivi, scripsi, et [in] publicam formam redegi, et hoc meo præsenti signo signavi, rogatus.

CCCXXXVIII. Alia carta de Crosby.

Venerabili viro et discreto, Thomæ de Foveys,[6] Officiali et Commissario D'ni Archidiaconi Karliol., judici a Sede Apostolica delegato, Decanus Westmariæ s. in Domino. Litteras vestras recepimus formam hujus continentes:—Thomas de Foveys, Officialis et Commissarius D'ni Archidiaconi Karl., judiciarius a Sede Apostolica delegatus, discreto viro Decano Westmariæ s. in Domino. Au[c]toritate D'ni Papæ, qua fungimur in hac parte, vobis in virtute obedientiæ qua Sedi Apostolicæ tenemini firmiter injungendo mandamus, quatinus denuntietis et denuntiari faciatis in singulis ecclesiis vestri decanatus, singulis diebus dominicis et festivis, Abbatem, Priorem, Sacristam, Thesaurarium, Præcentorem, Celararium[7] et Camerarium Monasterii de Whiteby, O. S. Benedicti, et M'rum Willelmum de Foston, Clericum, (111b) Eboraci dioceseos, ut prius esse excommunicatos, inhibentes omnibus et singulis in decanatu vestro existentibus, sub pœna majoris excommunicationis, ne cum eis communicent.[8] Denuntietis etiam et denuntiari faciatis in prædictis ecclesiis et diebus antedictis. R . . ., Decanum Christianitatis Clivelandiæ, et Astinum de Thornton, Clericum, qui die Jovis proximo post f. Purificationis B. V. Mariæ nostram jurisdictionem et concommissariorum nostrorum ad mandatum

[1] *inde.* [2] *mense.*
[3] There is no mark of contraction about this name, and the letters are plain. [4] *Podioboizẽ.* [5] *Mate.*
[6] See No. 331. [7] *Selerarium.* [8] *excommunicent.*

Decani Christianitatis Riponiæ, auctoritate litterarum D'ni Papæ per prædictum Abbatem et Conv. de Whiteby temere impetratarum, et legitime auctoritate litterarum D'ni Papæ cass-[atarum], revoca[tarum][1] et irritatarum, in præjudicium Willelmi de Sevanak, Clerici, et gravamen, non absque magna malitia præsumpserunt impedire legitimis monitionibus præmissis, majori excommunicatione esse per nos, auctoritate Apostolica, excommunicatos et ab omnibus arc[t]ius evitandos.[2] Ad hæc, quia quidem ausu temerario excommunicationi mandatorum nostrorum dudum se opposuerunt, vobis eadem auctoritate qua prius mandamus quod in locis prædictis et in diebus antedictis denuntietis et denuntiari faciatis omnes et singulos, auctoritate Apostolica, per nos majori excommunicatione esse in scriptis excommunicatos qui exitores mandatorum nostrorum quoquomodo impedire præsumpserunt, vel presumunt, seu de cætero præsument, et omnes qui consilium vel auxilium ad hoc impenderunt, vel impendunt, seu de cætero impendent, et de nominibus eorum diligenter inquiratis et inquiri faciatis, nobisque de eis quam cito poteritis constare faciatis. Nichilominus citetis peremptorie præd. Abbatem et Conv. quod die Jovis proximo post f. S. Mathiæ Apostoli coram nobis vel concommissariis nostris in Ecclesia Cathedrali Karliol. compareant et intersint publicationi testium et attestorum in causa quæ vertitur coram nobis super ecclesia de Crosseby Ravenswarth, (112) inter præd. Abbatem et Conv., ex parte una, et Willelmum memoratum, ex altera, et ulterius facturi et recepturi cum continuatione et prorogatione dierum in causa memorata quod postulabit ordo juris. Denuntietis et eisdem quod quia dicti Abbas et Conv. per suos executioni[3] mandatorum nostrorum se composuerunt, et sic per eos stetit quominus mandata nostra fuistis executi, nos, habentes ea pro exsecutis in pœna contumaciæ eorum, testes dicti Willelmi recepimus in causa memorata. Quid autem feceritis super hiis nos vel concommissarios nostros dictis die et loco per litteras vestras patentes harum seriem continentes certificetis. Valete. Datum Karleoli die Veneris proximo post Purificationem B. V. Mariæ A. D. millesimo cc sexagesimo quarto. Volentes itaque

[1] The reading here is doubtful. It stands *revocau'*.

[2] *imitandos*. Probably *evitandos* or some equivalent word should be substituted.

[3] *excommunicacioni*.

mandatis vestris obedire quoad ecclesiam de Crossby prædictam, securus nobis non patet accessus pro eo quod dicti Abbas et Conv., per quosdam suos, executionibus mandatorum vestrorum se opponunt, prout alias vobis litteratorie significavimus, mandata vestra in pleno Capitulo Westmariæ, apud Appelby, tanquam in loco publico, Subpriore de Whiteby et Capellano de Crosseby Ravenswarth præsentibus, fuimus executi. In cujus rei test. præsentes litteras vobis transimittimus patentes, quod etiam concommissariis vestris significamus. Datum apud Appelby, die Veneris proximo post f. S. Scolasticæ virginis, A. D. millesimo ducentesimo sexagesimo quarto.

CCCXXXIX. ALIUS LIBER DE EADEM MATERIA PRÆCEDENTE.

Acta in vigilia Apostolorum Symonis et Judæ, A. D. millesimo ducentesimo sexagesimo quarto, in Ecclesia Cathedrali Karliolensi, coram nobis, M'ro Roberto, Rectore ecclesiæ de Dalston, (112b) juris canonici Professore, gerente vices D'ni Prioris de Bredon, judicis a Sede Apostolica delegati, secundum formam constitutionis sibi factæ in causa seu negotio revocationis temere attemptatorum et innovatorum in præjudicium Willelmi de Sevenake, seu de Kent, Clerici, Rofensis dioceseos, in nostra præsentia constituti, personaliter comparentis. Postquam idem Willelmus, causa peregrinationis et pro quibusdam negotiis suis promovendis iter arripuit ad Sedem Apostolicam veniendi—videl. cum constaret nobis legitime prædictum diem fuisse peremptorie præfixum ad revocandum præcise si liqueret temere attemptata et innovata in causa quam prædictus Willelmus habet super ecclesia de Crosseby, Karliol. dioceseos, cum Abbate et Conv. Mon'ii de Whiteby, O. S. Benedicti, Eboraci dioceseos, postquam idem Willelmus ad Sedem Apostolicam veniendi iter arripuit, præd. Willelmus ex habundanti exhibuit in judicio coram nobis quasdam litteras patentes, sigillo M'ri Thomæ de Foveys, Clerici, in præsentia nostra constituti, vivæ vocis oraculo testimonium illis literis perhibentis procuratoris D'ni Archidiaconi Karliol., prout de procuratorio constitit, signatas, in quibus inter alia continebatur tenor[1] litterarum Domini Papæ per præd. Religiosos ad Karliol. et

[1] *tenor'*.

East-Ridinge Archidiaconos impetratarum,[1] de verbo ad verbum, quibus litteris sigillum nostrum filo appendimus; et cum constaret nobis legitime quod præd. Religiosi a Succentore et Magistro stolarum Karliol., quibus Archidiaconus Karliol. in dicta causa vices suas non in totum commiserat, ad Sedem Apostolicam die Martis proximo post Translationem S. Thomæ Martiris, A. D. millesimo cc sexagesimo tertio appellarunt, quam appellationem dicti subdelegati admiserunt, et quam pars appellata approbavit, et quod dicti subdelegati eorum appellationi ob reverentiam Sedis Apostolicæ reverenter detulerunt, partibus terminum præfigentes (113)—videl. diem crastinum Apostolorum Symonis et Judæ, A. D. millesimo cc^{mo} sexagesimo tertio, ad procedendum in prædicta causa in Curia Romana, et quod die præfixo dictus Willelmus in Curia se personaliter præsentavit memorata ad procedendum in ipsa causa, et cum constaret nobis legitime prædictos Religiosos diem sibi a judice præfixum malitiose prævenisse, et litteras apostolicas ante terminum ad Karliol. et Eastridynge Archidiaconos temere in prejudicium præd. Willelmo postquam idem ad Sedem Apostolicam veniendi iter arripuit—Nos ab Astino de Thorneton, Clerico, procuratore dictorum Abbatis et Conv., legitime constituto, prout de procuratorio constitit, pro eis coram nobis comparente, diligenter inquisivimus et eum interpellavimus, ut si quid proponere sciret et vellet seu posset per quod nos revocationem, cassationem, irritationem prædictæ litteræ temere impetratæ, et processuum habitorum au[c]toritate earundem, retardare deberemus, et cum nichil proponeret, nos, habito jurisperitorum consilio nobis assidentium, invocato Spiritu Sancto, partibus præsentibus et non reclamantibus, nec prædicto procuratore provocante, exigente justitia, præd. litteras, processus auctoritate earundem habitos revocavimus, cassavimus et irritavimus in forma subscripta:—Cum per processum habitum coram discretis viris, Succentore Karliol. et Magistro Stolarum ejusdem loci, in causa quæ coram eis, auctoritate Apostolica, inter Abbatem et Conv. de Whiteby, O. S. Benedicti, Eboraci dioceseos, ex parte una, et Willelmum de Sevenak, seu de Kent, Clericum, Roffensis dioceseos, ex altera, vertebatur, ad Sedem Apostolicam certis de causis appellatum fuisse, et appellationi prædictæ ob reverentiam Sedis Apostolicæ

[1] *impetraturum.*

fuisse delatum, terminumque peremptorie a dictis judicibus partibus fuisse præfixum comparendi in Curia Romana ad prosequendam appellationem prædictam, nobis constet evidenter, ac per litteras apostolicas a præd. Abbate et Conv. (113b) de Whiteby impetratas liqueat evidenter præd. Abbatem et Conv. terminum peremptorie a præd. judicibus ad prosequendam appellationem et ad præsentandos se in Curia Romana per quinque septimanas et amplius, non sine magna malitia, prævenisse, ac in præjudicium dicti Willelmi de Kent dictas litteras apostolicas temere impetrasse, postquam idem Willelmus ad Sedem Apostolicam veniendi iter arripuit, et per processum habitum auctoritate litterarum prædictarum temere impetratarum coram quibuscunque judicibus, nobis constet contra præd. Willelmum, postquam iter arripuit ad Sedem Apostolicam veniendi, temere processum fuisse ad citationes, commissiones, condempnationem expensarum, et excommunicationem, ac per publicum instrumentum, cui merito fides etiam adhibenda, appareat præd. Willelmum de Kent die sibi præfixo a prædictis Succentore Karliol. et Magistro Stolarum ejusdem loci ad prosequendam appellationem prænominatam in Curia Romana comparuisse, Nos, Magister Robertus, Rector ecclesiæ de Dalston, juris canonici Professor, auctoritate D'ni Papæ qua fungimur in hac parte, de jurisperitorum nobis assistentium consilio, Deum habentes præ oculis, in nomine Patris et Filii et Spiritus Sancti, pronuntiamus litteras a Sede Apostolica impetratas per præd. Abbatem et Conv. de Whiteby contra dictum Willelmum de Kent, postquam idem Willelmus ad Sedem Apostolicam iter arripuit veniendi, irritas et inanes, ac processum habitum auctoritate earundem revocamus, cassamus et irritamus,[1] cassum et irritum denuntiamus, et prædictum Willelmum ab excommunicatione et condempnatione in expensis absolvimus et absolutum denuntiamus; omnia etiam alia quæ sequuta sunt ex prædictis litteris Apostolicis, vel ob eas, cassamus, irritamus, cassa et irrita [de]nuntiamus. Datum Karlioli, A. D. millesimo cc^mo^ sexagesimo iiii^to^, in vigilia Apostolorum Symonis et Judæ, D'no Alexandro de Riading'o, Canonico Ecclesiæ Karliol., Magistro stolarum ejusdem loci; M'ris Hugone, (114) perpetuo Vicario de Steywigges; Thoma

[1] *revocamus.* Obviously *irritamus* is the word required.

de Foveys, Procuratore D'ni Archidiaconi Karliol.; Alano filio Yvonis de Karliolo; partibus quos istud negotium contingit, et multis aliis, clericis et laicis, præsentibus.

CCCXL. Alia carta de Crosseby Ravenswarth.

William, clerk of Foston, binds himself on becoming vicar of Crosseby Ravensworth to pay a pension of 20s. yearly to Whitby, etc.

Notum sit omnibus hoc scr. vis. vel aud. quod ego, Willelmus, Clericus de Fostona,[1] obligavi me dominis meis et patronis, D'no Willelmo,[2] Abbati de Whiteby, et Conv. ejusdem loci, corporali præstito juramento, quod si me institui in vicariam de Crosseby Ravenswarth, et vicarium ejusdem creari, contingat, dabo eis viginti solidos annuæ pensionis ad terminos quibus Ricardus de Yrstona, quondam vicarius eccl. de Crosseby Ravenswarth, consequi quocunque modo;[3] quod nunquam[4] ab eis amplius exigam, ratione præsentationis de me nunc factæ, quam antiquam pensionem meam viginti solidorum in qua michi prius tenebantur; immo effectui ulterioris exactionis spontaneus renuntiavi sub debito præfati juramenti corporalis et quominus[5] prædicta, ut dictum est, debitum consequantur effectum, renuntiavi in hac parte omni fori privilegio, exceptioni cuilibet in jure canonico seu civili,[6] supponens me specialiter, quoad prædictam, jurisdictioni Archidiaconi Clivelandiæ et ejus Officialium quorumcunque. Hiis testibus. Radulpho de Midilsburghe. Johanne de Yrtona. Rogero de Yrtona. Nicholao Wibern. Radulpho de Lyth; et aliis.

Expliciunt Cartæ de Crosseby Ravenswarth[7] in Westmaria.

CCCXLI. Incipiunt Cartæ de Aton in Clivelande.

Stephen de Meinill

Omn. S. M. Eccl. filiis, ad quos pr. scr. pervenerit, Stephanus de Meinell,[8] salutem. Noverit univ. v. me ded. et conc. et hac pr.

[1] See Nos. 337, 338.
[2] William de Briniston, 1258-1265.
[3] The reading here—*consequi quocunque modo*—is utterly obscure. To replace *consequi* by *consuevit* would remove some of the difficulty, but *quocunque modo* would remain unconnected. There is probably an omission.
[4] *nucquam.*
[5] Certainly corrupt. Probably *quod* should be substituted.
[6] *civilis.*
[7] *Rauuenswarth.*
[8] Son of Robert de Meinell II. He was a minor at his father's death in 1206. In 1207 his wardship and marriage was given to Robert de Turnham for 1000 marks. In 1217 his late father's Yorkshire barony was placed in custody of the Archbishop of Canterbury, it being of his fee. He makes grants to religious houses in 1227 and 1229. See No. 226.

c. mea conf. et quietum clamasse de me et de hæredibus meis in perpetuum Willelmum Cokclun de Atona, cum tota sequela sua, Deo et eccl. de Magna Atona, et Abbati de Whiteby, rectori ecclesiæ, pro s. a. meæ, et antecessorum meorum et successorum, in pur. et perp. elem., solutum et quietum ab omni exactione et demanda sæculari servitutis, quæ exigi, vel cogitari possit; et in hujus rei test. pr. scr. sig. meum apposui. Hiis testibus. Ada de Hylton.[1] Johanne de Mare. Stephano Guer.[2] Willelmo de Malteby. Willelmo de Mydylton. Ada Fabro. Thoma Capellano. Nicholao filio Petri. Waltero Brenhand. Nicholao Mercand. Henrico Clerico. Waltero Clerico; et aliis.

grants to Whitby Will. de Cokelun of of Aton with all his sequela.

CCXLII. Confirmatio ecclesiæ de Aton per Henricium, Regem Angliæ.

Henricus, Rex Angliæ, Eustacio filio Johannis, et W[altero] Espec, et Bertram de Bolemer, et ministris suis et omnibus

[1] In the small parish of Hilton, which lies three or four miles a little to the south of west of Yarm, there were in Domesday times two territorial divisions, one a manor of three carucates extent in "Terra Regis," and the other, of six carucates, of the soke of Tameton, or Semer and Tameton. The latter was in the fee of the Earl of Mortain, and passed early in the twelfth century into the Meinell fee. The former became part of the original Brus fee shortly before 1087. An offshoot of the Meinill family was subinfeuded in the one rather early, while the small manor gave its name to the subinfeudatory of de Brus. Adam de Hilton (or Hylton) was the last male representative of this family, and his sister, Alice, marrying Hugo de Meinell de Hilton, carried both lordships of Hilton into the same family. Among the deeds in Mr. Meinill's collection at the Friarage, Yarm, is one by Robert FitzMeldred, granting "Roberto fil' Walt. de Mainill de Ingeltona et hær. suis totam villam de Snoterdune, etc. . . . sicut continetur in carta quam idem Rob. fil' Walteri de Meinell habet de Ada de Hilton, salvo tamen michi, Rob. filio Meldredi, et hær. meis homagio et servitio Adæ de Hilton et hær. suorum," from which it appears that there was already a connection between the Hilton Meinills and Adam de Hilton. His name is of very frequent occurrence as a witness in the Gysburne deeds, and also as that of a holder (under John fitzWilliam de Bernaldby) of lands in Barnaby, which he gave eventually to Gysburne. He is the representative of Peter de Brus in 1242 in arranging a fine between the latter and John Prior of Gysburne touching the Brus grants to the Priory in Glaisdale, at which time he must have been well advanced in years.

[2] *Gruer*, by mistake for *Guer*, an occasional form of *Gower*.

fidelibus suis de Eboracaschira, salutem. Sciatis me conc. et conf. Deo et Eccl. S. P. et S. Hyldæ de Whiteby, et mon. ib. Deo serv., eccl. de Aton in Cliveland, cum pert. suis, in elem. perp., pro a. patris mei, Regis Willelmi, et pro memet ipso, et pro hær. meis. Concedo etiam et conf. præd. Mon. de Whiteby eccl. de Mydilsburgh, cum pert. suis, ut habeant eam sicut liberam et propriam cellam suam. Teste G[alfrido][1] Cancellario. Apud Westmonasterium.

CCCXLIII. Alia confirmatio prædictarum ecclesiarum per Henricum Regem.

Henricus, D. G. Rex Angliæ, et Dux Normanniæ, etc. et omn. hom. et fidelibus suis totius Angliæ, salutem. Sciatis me conc. et pr. c. conf. Deo et Eccl. S. P. et S. (115) Hyldæ de Whiteby, et mon. ib. Deo serv., in lib. et perp. elem., eccl. de Atona in Cliveland, cum omn. pert. suis, ad proprios usus monachorum præd. Ecclesiæ. Similiter eccl. de Midilsburgh', cum omn. pert. suis, tanquam propriam cellam monachorum, ad proprios usus eorum concedo et confirmo. Et prohibeo ne quis prænominatas ecclesias præsumat alienare vel sequestrare a dominica mensa prædictæ Ecclesiæ, aut inde Monachis aliquam injuriam facere. Concedo etiam et confirmo præd. Ecclesiæ de Whiteby in lib. et perp. elem. eccl. de Kirkeby et ecclesiam de Ingelby, cum omn. pert. earum, quas prædicti Monachi habent ex dono Adæ filii Viell. Testibus. H(ugone) Episcopo Dunelmensi. G . . . Episcopo Eliensi. Ricardo de Lucy. Comite Willelmo Albemaria. Apud Eboracum.

CCCXLIV. Quietaclamatio Monialium de Grendal alias Handale.

Universis Christi fidelibus, pr. litteras inspecturis, Priorissa et Conv. de Grendale alias Handale,[2] s. in Domino. Noveritis

[1] Geoffrey Rufus, Chancellor 1124-1135.

[2] Handale, in the parish of Lofthouse, on the borders of Liverton. William, son of Richard de Percy, says Burton, "founded a small Priory here for Benedictine Nuns, to the honour of the Virgin Mary" in 1133. The landed endowments seem to have been but small, lying mainly in Handale itself, and in Hilderwell, Dunsley, Marton, Scaling, Waupley, Deepdale, and, from the testimony of this deed and the next, in Aton. From the testimony also of the Percy Feodary "Priorissa de Handale tenuit in Ugthorpe

nos, pro nobis et success. nostris, concessisse, remisisse, et omnino quietum clamasse viris Religiosis, Abbati et Conv. de Whiteby, et eorum successoribus, Johanni de Thorp et Aliciæ uxori ejus, et eorum hæredibus et executoribus, omnimodas actiones, calumpnias, et querelas quas versus eosdem habere poterimus, ratione cujuscunque dimissionis eisdem factæ ad terminum annorum de terris et tenementis nostris in Aton in Cliveland. Ita quod nec nos, nec successores nostræ, nec aliquis per nos, nec nomine nostro, eosdem Abbatem et Conv. aut successores suos, Johannem de Thorp et Aliciam uxorem ejus, hær. et executores suos, ratione dimissionis terrarum et tenementorum prædictorum, aut quacunque deterioratione eorundem, ab initio sæculi usque (115^{b}) ad diem dationis præsentium calumpniare seu inquietare poterimus in futurum. In cujus rei test. sig. commune Capituli nostri præsentibus apposuimus. Datum apud Grendale alias Handale, die Mercurii[1] proximo ante f. Sancti Botulphi, A. G. millesimo ccc^{mo} sexto decimo.

CCCXLV. Alia quieta clamatio de Grendale alias Handale.

Omnibus hoc scr. vis. vel aud. Robertus, filius Roberti filii[2] Matildis de Aton in Cliveland, s. in Domino. Noveritis me remissise, relaxasse et omnino de me et hær. meis quietum clamasse Johanni de Thorp in Aton et Aliciæ uxori ejus, et eorum hær. et assignatis, totum jus et clamium quod habui, vel aliquo modo habere potui, in iiii^{or} bovatis t'ræ, cum pertinentiis, et duo tofta in villa et in territorio de Aton in Cliveland, quæ Robertus, pater meus, quondam tenuit dum vixit in eadem villa de Priorissa et Conv. de Grendale alias Handale.[3] Ita quod nec ego nec hær. mei, nec aliquis nomine nostro, aliquid juris vel clamii in præd. iiii^{or} bovatis t'ræ, cum suis pertinentiis, et duobus toftis, a tempore confectionis præsentium usque ad ter-

John fitz-Robert fitz-Matilda de Aton quit-claims to John de Thorp de Aton and his wife Alice all his right in four bovates of land in Aton.

vi carucatas t'ræ unde x car. faciunt feodum." Burton's further statement is that the "Advowson of the Priory was given by Richard de Percy to Richard de Malebisse and his heirs." The Prioress Mariott de Herlesey seems to have been appointed in 1315, and to have been succeeded by Alicia de Horton in 1318. The former would thus be prioress at the date of the present deed.

[1] *Marcurie.*

[2] *filius.*

[3] *basdal;* but evidently by a clerical error for *Handale.*

minum viginti annorum plenarie completorum, exigere vel vendicare poterimus. In cujus rei t. præsentibus litteris sig. meum apposui. Datum apud Aton, die Veneris proximo ante f. S. Trinitatis, A. G. millesimo ccc tertio.

CCCXLVI. Quieta calamatio Petri de Aton.

Omnibus ad quorum notitiam hoc scr. pervenerit, Petrus de Aton, salutem. Noverit univ. v. me reddidisse et quietum clamusse, pro me et hær. meis, imperpetuum, d'no meo, Johanni,[1] Abbati de Whiteby, et ejusdem loci Conventui, totam t'ram meam, cum pert., quam tenui in villa de Aton de eisdem dominis meis, (116) quæ quidem t'ra fuit aliquando libera elemosina pertinens ad eccl. suam de Aton. Et ut hæc redditio et quieta clamatio firma imperpetuum permaneat, hoc scriptum sig. mei munimine roboravi. Hiis testibus. Domino Willelmo de Everley. D'no Stephano Rosell. Thoma de Hawkesgarthe. Ricardo de Filynge. Rogero de Yrton. Johanne de Yrton; et aliis.

CCCXLVII. Alia carta de Aton in Clivelande.

Omnibus aud. et vid has litteras, Ricardus filius Angoti, salutem. Sciatis omnes quod Willelmus, filius Angoti, coram me dimisit et dedit Eccl. S. Hildæ de Whiteby [*etc.*].[2]

[1] John de Evesham (1214-1222) preceded Abbot Roger, and John de Steyngrave (1244 (?)-1258) succeeded him. In No. 352, wherein Abbot Roger demits to Richard fitz Hugo de Hoton a toft and croft, we see three of the witnesses named above, viz., Thos. de Hawkesgarth, Richard de Filynge and Roger de Yrton, fulfilling the same function there also; but there is no means of deciding whether that deed belongs to the beginning, rather than the end, of Roger's incumbency, or *vice versa*. By a comparison of Nos. 165 and 346 in co-relation with Peter de Aton, the probability may be that the close of Abbot Roger's incumbency is to be inferred, and that the Abbot John of this deed is the second Abbot of that name. See also No. 349, and notes.

[2] See No. 106, with which this is coincident, excepting as regards a greatly increased list of witnesses and some variations in the spelling of the names of those common to both. I give the list to the present deed here:—Hiis testibus. Willelmo de Kartum. Roberto fratre ejus. Rogero de Houkesgarth. Ada, nepote ejus. Willelmo Cæmentario. Thoma Presbitero. Ada Presbitero. Waltero Clerico. Gaufrido de Bosco. Roberto Coco. Andrea Parmentario. Trigo. Alano Cæmentario. Hugone Clerico. Willelmo de Infirmario. Stephano Parmentario; et aliis multis.

CCCXLVIII. Alia Carta de Aton in Cliveland.

Omnibus S. M. Eccl. filiis, ad quos pr. c. perv. Johannes filius Hugonis de Atona salutem. Sciatis (116[b]) me dedisse [*etc.*].[1]

CCCXLIX. Alia carta de Aton.

Will. Malebise engages that no detriment shall arise to Great Ayton Church through Newton Chapel situate in the said parish.

Omnibus hoc scr. vis. vel aud. D'nus Willelmus Malebs,[2] miles, æternam in Domino salutem. Noverit univ. v. me, in præsentia Domini J[ohannis],[3] Abbatis de Whiteby, et monachorum ejus, et aliorum multorum, laicorum, pro me et hær. meis juratoriam præstitisse cautionem quod ecclesia sua de Atona in Clivelandia nuncquam præjudicium vel gravamen, vel aliquid dampnum, habebit per capellam de Parva Atona, sitam in parochia sua de Atona; set si aliqua oblatio, obventio cujuscunque rei evenerit, matrici ecclesiæ sine difficultate vel gravamine fideliter et integre restituetur. In cujus rei test. huic scripto sig. meum apposui. Hiis testibus. D'no Willelmo de Everley, milite. Johanne de Kereby. Andrea de Dunell'.[4] (117) Galfrido de Everley. Rogero Vicario. Johanne de Yrton. Hugone de Sartrino; et multis aliis.

CCCL. Alia carta, de lampade invenienda apud Aton.

Richard de Tocotes of Great

Omnibus has litt. vis. vel aud. Ricardus de Thoccotys de Magna Brotton, salutem. Sciatis me obligasse me et hær.

[1] Identical with No. 95, only with more witnesses' names, which I give here :—Hiis testibus. Domino Roberto de Stuteville (written *Scuteuille*). Rogero de Bosco, milite suo. Hugone de Hotona. Reginaldo de Roselle. Radulpho de Nevylle. Willelmo de Mauteby. Willelmo de Tocots. Rogero, Persona de Semar. Thoma Capellano. Waltero de Hotona. Waltero de Morton ; et multis aliis.

[2] D'nus Will. Malebisse is a witness to a deed by Robert Engram of Arncliff, dated 1246 (in Mr. Douglas Brown's collection at Arncliffe Hall), to which also Joh. de Kereby is a witness, thus, independently of the date, giving a safe inference as to his identity ; and this again helps in the identification of Abbot John as John de Steyngrave, Abbot Roger's successor. See notes to No. 346.

[3] John de Steyngrave, 1244(?)-1258.

[4] It may be a question if this should not be *Dunesl'*, for *Dunesley*.

Broughton engages to provide a lamp to burn before the altar in Great Ayton Church, with power to Whitby to distrain if he fail.

meos teneri Deo et Abbati et Domui de Whiteby, et mon. ib. Deo serv., ad inveniendam unam lampadem ardentem imperpetuum coram altari B. Mariæ de Atona, dum missa celebratur, nomine testamenti. Et si ita contingat quod ego, Ricardus, aut hær. mei, in dicto luminari inveniendo defecerimus, obligavi me et hær. meos et etiam omnia bona mea, mobilia et immobilia, ubicunque fuerint inventa, plenæ cohercioni Abbatis de Whiteby et mon. ib. Deo servientium, ut possint nos distringere, per Curiam Christianitatis, omnibus modis quibus arc[t]ius voluerint et viderint expedire, ad dictum luminare inveniendum, refundendo eisdem expensas quas idem Abbas et monachi fecerint pro defectu nostro dicti luminaris inveniendi secundum simplex dictum dicti Abbatis et monachorum. Insuper, obligavi me et hær. meos quod nos nullo modo possimus t'ram nostram vendere, nec t'ras nostras de Brotton, quominus dictum luminare ab altari S. Mariæ de Aton subtrahatur vel detradatur. In hujus rei test., ego Ricardus, pro me et hær. meis, huic scripto sig. meum apposui. Hiis testibus. Domino Ada de Aton. Willelmo de Fengers.[1] Johanne de Blaby.[2] Ricardo de Waxand. Johanne de Tocotes. Thoma de Hardworde. Roberto Guer.[3] Thoma de Salkotes. Willelmo de Mobray. Roberto de Scoterscleff. Willelmo de Thornton; et aliis multis.

CCCLI. Expliciunt libri de Aton in Cliveland. Duæ cartæ de Hoton in Clivelande.

Omnibus vis. vel aud has litteras Hugo de Hoton, etc.[4]

[1] *Sengers.* Will. de Fengers is witness to a grant and quitclaim to Byland by Stephen de Meinill, son of Robert de Meinill de Wervelton, dated 1230, and also to a grant and quitclaim by Walt. fil. Laurentii de Hilton to his brother John, both of them deeds in the Yarm Friarage collection. His name is also met with several times in the Gyseburn Chartulary.

[2] See No. 121 and notes. John de Blaby held lands in Marton in 1285. He was paralytic before his death.—(Rot. Hund. Wap. Langeberg, *temp.* Edw. I., p. 129.)

[3] Son-in-law of John de Blaby, having married one of his six daughters and heiresses, viz., Cecilia.

[4] Identical with No. 76, saving the minor differences specified in the notes there.

CCCLII. Alia carta de eadem materia de Hotona.

Omnibus has litteras vis. vel aud., Rogerus, D. G. Abbas de Whiteby, et ejusdem loci Conv., salutem. Noverit univ. v. nos dimisisse Domino Ricardo, filio D'ni Hugonis de Hotona,[1] toftum cum crofto quem D'nus Humfridus, pater dicti Hugonis, dedit Eccl. nostræ de Whiteby pro s. a. suæ, et antecessorum suorum, et succ. suorum:—Reddendo inde nobis annuatim duodecim den., med. ad Pentecosten, et med. ad f. S. Martini. Si vero dictus Ricardus hæredem de se non habuerit, dictum toftum, cum crofto et ædificiis super ædificatis, post decessum ipsius quieta nobis remanebunt. Et in hujus rei test. pr. scr. sig. Capituli nostri apposuimus; et dictus Ricardus transcripto cyrografato sig. suum apposuit. Hiis testibus. D'no Willelmo de Tocotys. Stephano de Rosell'. Johanne de Tocotys. Thoma de Haukesgarthe. Ricardo de Fyelynge. Rogero de Hyrtona: et multis aliis.

Abbot Roger and the Convent of Whitby lease to Richard, son of Hugo de Hoton, a toft and croft, the donation of his father.

CCCLIII. Cartæ de Kyrkeby et Yngylby.

Omn. S. Dei Ecclesiæ filiis, tam pr. quam fut., Bernardus de Balliol,[2] salutem. Sciatis me conc., et hac c. mea confirmasse, Ecclesiæ S. P. Sanctæque Hyldæ de Whiteby, monachisque ib. Deo serv., ecclesiam de Ingelby et eccl. de Kyrkeby, cum pert. suis omnibus, et molendinum unum, cum multura, in Ingelby, in lib. et quietam elem., sicuti Adam filius Vitalis præd. Ecclesiæ dedit, salvo jure hæredum antedicti Adæ quod habere debent de libera et quieta elemosina. Hiis testibus. Guidone de Bailoll'. Willelmo Surteys. Warino de Thramer. Hugone de Steinton. Eluino de Runtona. Willelmo de Moubray. Eilmaro de Castel. Raulf' de Newton. Norm' Godfray. Ricardo. Raulfr'.

Bernard de Baliol confirms to Whitby the churches of Ingleby and Kirkby, and Ingleby Mill.

CCCLIV. Alia carta de eadem.

Guido de Bailloll', omnibus S. Eccl. filiis per universum mundum in unitate fidei dispersis, salutem. Sciatis, etc.[3]

[1] See No. 76. [2] See No. 53; also Nos. 52, 54, etc.

[3] Identical with No. 52, only with more witnesses specified. See notes there.

CCCLV. Conventio de eodem molendino.

The Abbot and Convent of Whitby lease for his life to Hugo de Baliol their mill at Ingleby.

Hæc est conventio facta inter Petrum,[1] Abbatem de Whitby, et Conv. ejusdem loci, et Hugonem de Bailloll'[2]—scil. quod prædicti Abbas et Conv. de Whiteby dimiserunt eidem Hugoni de Bailloll' molendinum suum de Ingelby, tenendum in tota vita sua ad firmam, pro quindecim sol. argenti (118[b]) annuatim ad duos terminos solvendis, med. ad Pent. et med. ad f. S. Martini:—Ita videl. quod prædictum molendinum quietum remanebit prædictis Abbati et monachis de Whiteby de prædicto Hugone et hær. suis post vitam prædicti Hugonis sine aliquo retinemento. Hiis testibus. Domino Laurentio, Priore de Gisburne. Radulfo de Brumhus; Petro de Gysburne; Johanne de Alverstane, Canonicis suis. Bernardo de Arines, Senescallo. Hugone de Hoton. Waltero, fratre suo. Hugone de Bailloll', Clerico. Nicholao de Aton. Willelmo de Mulbray. Ricardo de Hoton; et multis aliis.

CCCLVI. Quieta clamatio de Advocatione ecclesiæ de Kyrkeby.

John de Eure quitclaims to Whitby all right in the advowson of the Church of Kirby in Cleveland.

Omn. Christi fidelibus han[c] cartam vis. vel aud., Johannes de Euyri,[3] s. in Domino sempiternam. Noveritis me conc., remisisse et omnino de me et hær. meis imperpetuum quietum clamasse Deo et Ecclesiæ S. P. et S. Hyldæ de Whiteby, et mon. ib. Deo. serv., totum jus et clamium quæ habui, vel habere potui, in advocatione ecclesiæ de Kirkeby in Cliveland, cum suis pertinentiis:—Ita quod nec ego, Johannes, nec aliquis hær. meorum, in advocatione eccl. prædictæ, cum suis pert., aliquod jus vel clamium de cætero exigere vel vendicare

[1] *Ante* 1190, *ob.* 1211.

[2] See No. 54; also the preceding documents.

[3] This name is read by Charlton (p. 232) as *Enyri.* It is, it is needless to say, merely an awkward form of *Euri* or *Eure.* "Hugh, a younger son of the Barons of Warkworth, did seat himself at Eure in *Com. Buck.* temp. Henr. III. To which Hugh succeeded John, his son and heir; who in 35 Edw. I. obtained charter of free warren in all his demesne lands at Easby in Cleveland. In 8 Edw. II. he took part in the expedition to Scotland. In 1317 he was made a commissioner to treat for peace with the Scots. See *Kirkby's Inquest*, pp. 237, 328.

poterimus inperpetuum. In cujus r. test. præs. cartæ sig. meum apposui. Hiis testibus. Willelmo de Rosels. Ada de Elredby. Willelmo de Wardhou. Willelmo de Percy de Dunsley. Johanne Wirfauke. Ricardo Landmote. Johanne Hersand de Whiteby; et aliis. Datum apud Whiteby, die Dominica proxima post f. S. Martini in yeme, anno [regni] Regis Edwardi, filii Regis Henrici, tricesimo tertio.[1]

CCCLVII. Alia carta.

Sciant omnes, tam pr. quam fut., quod ego, Matildis, filia Henrici de Percy[2] de Batersby, quondam uxor (119) Willelmi Grundi, reddidi et quietam clamavi totam dotem meam de tota t'ra præfati Willelmi domini mei, quam habuit in Yngwall', D'no Johanni Abbati, et Conventui de Whiteby, pro decem solidis quos michi præ manibus dederunt. Et ut hæc concessio rata permaneat et stabilis huic scripto sig. meum apposui. Hiis testibus. Helia Capellano. Thoma Capellano. Willelmo filio Ukkil. Roberto de Bedingham. Richero de Ffylynge. Thoma de Haukesgarthe. Willelmo de Walden. Luca de Dales. Alano de Everley. Andrea de Dunsley. Ada Coco. Rogero de Midilsburghe. Gilberto Burgeis; et multis aliis.

CCCLVIII. Alia carta ejusdem.

Omn. S. M. Eccl. filiis, has litteras vis. vel aud., Rogerus. D. G. Abbas de Whiteby, salutem. Noveritis nos conc. et hac pr.

[1] As Edw. I. ascended the throne 20th November 1272, this must be 1305. Charlton makes it 1304.

[2] It is difficult to identify this Henry de Percy. There can be no doubt, from the names of many of the witnesses mentioned, that the document is one belonging to the early part of the thirteenth century, and that the Abbot John named in it is John de Evesham (1214-1222). Thus "Elias and Thomas, Capellani" (de Wyteby) are named in No. 37 (1203-1219), while in Nos. 98, 162 we meet with Hug. de Foston, Will. de Waleden, Rob. de Bedingham, the two deeds in question belonging to Abbot Roger's time, or after 1222, but not late in his incumbency. The grantor of the present charter was no doubt in her widowhood, and probably in quite mature age, which would throw back her birth into the latter part of the twelfth century. Among the sons of Alan de Percy the great, there was a Henry, of not infrequent occurrence in the present Chartulary (see Nos. 45, 56, 59, 61, 90, 247), who may therefore have been her father.

c. nostra confirmasse Willelmo Nunde[1] unum toftum cum crofto in villa de Bradesby[2]—scil. illum toftum qui jacet juxta t'ram Nicholai de Aton versus orientem; tenendum et hab. de nobis tota vita sua lib. et quiete, pacifice et honorifice:—Reddendo nobis annuatim pro omni servitio decem et octo denarios ad duos terminos—scil. med. ad Pent. et med. ad f. S. Martini in yeme. Prædictus vero Willelmus Nunde ædificabit prædictam[3] et in ea manebit: finito vero termino vitæ dicti Willelmi Nunde t'ra prædicta redibit quieta Abbatiæ de Whiteby, cum omnibus ædificiis suis. Et si ita contigerit quod aliquis ex parte nostra voluerit nostræ concessioni et donationi contraire, præd. Willelmus, sine ulla perturbatione omnia ædificia secum asportabit. Et ut hæc concessio rata sit et stabilis sig. nostri impressione pr. scriptum corroboravimus. Hiis testibus. Willelmo,[4] tunc Senescallo tunc Domini Abbatis de Whiteby. Nicholao de Aton. Willelmo de Walden. Willelmo de Reimeswel. Roberto Crisp. Johanne de Yrton; et multis aliis.

CCCLIX. Alia carta.

Omnibus has litteras vis. vel aud., Rogerus, D. G. Abbas de Whiteby, et ejusdem loci Conv., æternam in Domino salutem. Noverit univ. v. nos conc. et hac pr. c. nostra confirmasse Adæ Cannatori[5] de Batersby, et hær. de se exeuntibus, unum toftum

[1] It may perhaps suggest itself to some readers that there is a clerical error either in this name or that of the late husband of Matilda de Percy mentioned in the last deed. But it is somewhat gratuitous to assume that it is so. The more probable conclusion is that after the surrender of dower noted in the last deed, the land out of which it had been payable was definitely let to a totally new tenant, viz. the William Nunde of the present document, and that probably the said release of the dower was purchased, late in Abbot John's time, for the very purpose, and that the transaction was completed at the very outset of Abbot Roger's time.

[2] Another form of Batersby, as in last deed; now Battersby: in Domesday times Badresby, etc.

[3] Ita. Note the expression *t'ra prædicta* of the next line, which explains the feminine participle..

[4] Probably William de Foston or Foxton.

[5] This is written *Cannator*, and not *Tannator*. But it may be a question if *Tannator* is not the right form. Adam Tannator is met with in a document dated 1310, which is found in the Percy Feodary, and again at a subsequent part of the same volume, in both cases in matters connected with Crathorne. This Adam Tannator, if so read, might be an ancestor of the latter.

cum crofto in villa de Batersby,[1] qui jacet juxta t'ram Nicholai de Aton, versus orientem, tenend. et hab. de nobis hæreditarie —Reddendo nobis annuatim decem et octo den. ad duos terminos—scil. med. ad Pent. et med. ad f. S. Martini in yeme. In hujus rei testimonium pr. scripto sig. Capituli nostri apposuimus. Hiis testibus. Rogero, Vicario de Kirkeby. Waltero Clerico. Petro de Atona. Nicholao Marchand; et aliis.

CCCLX. Alia carta.

Johannes,[2] D. G. Abbas de Whiteby, et ejusdem loci Conv. omnibus has litteras vis. vel aud., s. æternam in Domino. Noverit univ. v. nos teneri warantizare Rogero de Hyrtona et hær. suis omnes t'ras quas tenuit de Andrea de Haukesgarthe, de quibus terris idem Andreas nobis homagium et servitium ejusdem Rogeri et hær. suorum dedit per cartam suam, sicuti dictus Andreas et hær. sui dicto Rogero et hær. suis warantizare deberet, secundum tenorem cartarum quas idem Rogerus habet de dicto Andrea et antecessoribus suis. Concessimus etiam dicto Rogero et hær. suis ut omnes dictas t'ras de nobis teneat adeo libere et quiete sicuti eas unquam de dicto Andrea liberius tenuit, vel de antecessoribus suis, et per idem servitium, prout cartæ suæ testantur. Concedimus etiam eidem Rogero et hær. suis molere bladum suum ubicunque eis placuerit. In cujus rei test. sig. Capituli nostri apposuimus. Hiis Testibus. Domino Roberto I[n]geram.[3] D'no Willelmo de Everley. Thoma de Haukesgarthe. Ric[ardo] de Filynge, tunc tempore[4] Senescallo. Richero[5] filio suo. Johanne (120) de Newham. Petro de Aton. Andrea de Dunsley. Nicholao Wybarne, tunc Præposito de Whiteby. Symone Janitore. Roberto de Lithe; et aliis.

[1] See last two deeds.

[2] Probably the second Abbot of the name, John de Steyngrave.

[3] Robert Ingram, in 1255, obtained charter of free warren "in omn. t'ris suis de Heslarton, Dale et Erneclive." There was, however, an earlier Robert, a cotemporary of Peter de Brus, whose name appears as witness to some deeds in the Gysburne chartulary, and elsewhere.

[4] Ita.

[5] From this it is apparent that there were two Richers de Fyling, the second named after his grandfather.

CCCLXI. Expliciunt libri ecclesiarum Kyrkeby et Ingelby. Incipiunt libri de Scridenbecc.

Sciant omnes vid. vel aud. has litteras quod ego, Walterus de Cancy,[1] assensu et consensu Alfridi filii mei et hæredis, conc. et dedi Eccl. S. P. et S. Hildæ de Whiteby, monachisque ib. Deo serv., in lib. et qu. et perp. elem., advocationem et donationem eccl. de Scripenbec, cum omn. pert. suis, et præterea de domini[c]is culturis meis l acras t'ræ in campis ejusdem villæ—scil. xvi acras et dim. in Blaland, et octo et dim. in Stoches, et tres in cultura quæ fuit Turaldi; et, ex altera parte villæ, xxii acras ad Wlvehand, et in eadem villa totam illam terram pro una tofta quæ jacet inter toftam ecclesiæ et toftam Willelmi Nores, et communem pasturam villæ. Ista dedi in æternum Ecclesiæ præfatæ de Whiteby pro s. mea, et filiorum et antecess. et succ. meorum, libera, soluta et quieta ab omni servitio et exactione et consuetudine sæculari. Hanc præfatam donationem meam dedit etiam Alfridus filius meus propria manu sua supradictæ Ecclesiæ de Whiteby. Hiis testibus. Nicholao, Clerico de Scripenbek, et Ascelino, Capellano ejus; et Normanno, Presbitero de Botercrame; et Willelmo filio Mainerdi; et Gaufrido de Bugthorp; et Serlone de Joelthorp; et Petro de Suttech; et Willelmo de Fublet; et Gasnegod; et Ricardo Britone; et Waltero de Cancy; et Hugone filio Audoeni; Archel de Botercrame; Syvardo [de] Joilthorp; Willelmo Nores; et multis aliis.

CCCLXII. Alia carta ejusdem sententiæ.

Walterus de Canci,[2] omnibus aud. vel vid. has litteras, s. in Domino. Notum sit vobis omnibus me conc. et dedisse et hac mea c. pr. conf. Deo et S. Hyldæ et Eccl. de Whiteby, et mon. ib. Deo serv., in lib. et perp. elem., (120b) pro a. mea, et pro a'abus parentum et hær. meorum, necnon pro a. d'ni mei, Regis Henrici, et pro a'abus hæredum ejus, cum communi pastura totius villæ de Scirpenbec pasturam mecum communem et cum hær. meis per totum dominicum meum in eadem villa:

[1] See Nos. 193, 201-203, etc.

[2] See last deed, and note.

item quod averiæ[1] Monachorum de Whiteby, sine omni contradictione et disturbatione, plene et libere ibunt et pascent per totum dominicum meum ejusdem villæ ubicunque meæ dominicæ averiæ, et averiæ heredum meorum, eunt et pascunt. Hanc autem pasturam neque ego vendam, neque hær. mei vendent, neque in eam[2] intrabunt, sine assensu Monachorum prædictorum, unde ipsi monachi præd. Ecclesiæ dampnum habeant. Hiis testibus. Eadulfo, Presbitero de Whiteby. Normanno, Presbitero de Butercrame. Rogero, Capellano de Whiteby. Gaufrido de Bogethorp. Willelmo de Fublet. Reginaldo de Snetona. Ivone de Ugilbardby. Willelmo de Housgarthe. Rogero, fratre ejus. Radulfo Patefine. Waltero de Cancy. Brumman. Waltero de Steynsiker. Hugone Hostilario. Cliberno de Lathgarthe. Roberto Coco; et multis aliis.

CCCLXIII. Alia carta de Scripenbek.

Notum sit omnibus vid. et aud. has litteras, quod ego, Amfridus de Canci,[3] dedi et conc. triginta acras t'ræ in Scripenbec Deo et S. P. et S. Hyldæ de Whiteby, monachisque ib. Deo serv., in lib. et qu. et perp. elem., sine omni consuetudine et exactione et servitio sæculari, tenendas ita inconcusse et libere sicut aliqua ecclesia in Eboraschira aliquam tenet elemosinam liberiorem et quietiorem ab omni servitio, pro a. patris mei et matris meæ, et tali conditione quod Cur[ia][4] mea, in die anniversarii sui, habebit in prædicta Eccl. de Whiteby totum servitium suum, et panem, et cætera, quæ habet monachus defunctus in die obitus sui, secundum consuetudinem ejusdem loci. Has autem triginta acras non insimul in una cultura conjunctas, sed divisas per campum dedi—videl., ad Suttunewath duas acras et tres perticas; ad Stoch' sex (121) acras et unam perticam; ad Woulfhow quatuor acras; ad Wartecroftend et ad Desesend septem acras; ad Litilhouschar iiii^{or} acras et duas perticas; ad Hunland iii acras; ad Scortbut unam acram et duas perticas; et juxta eandem culturam unam acram. Hanc vero t'ram contuli super altare S. P. et S. Hildæ de

[1] *auariæ.* [2] *in eum.*
[3] See No. 361, and references in the notes. [4] *Cur'.*

Whiteby per unum baculum, et postea confirmavi hac mea carta coram hiis testibus—Johanne, Capellano de Ugilbardby; Waltero, Persona de Dun[sley]; Rogero de Housgarthe; Gaufrido de Bosco; Roberto Coco. Præterea concessi et dedi et hac c. conf. Deo et præd. Ecclesiæ, monachisque ib. Deo serv., in lib. et perp. elem., pasturam communem mecum per totum in dominico meo, ita ut averiæ Monachorum de Whiteby eant et pascant ubicunque meæ dominicæ averiæ[1] eunt et pascunt. Hujus autem donationis hii sunt testes:—Radulfus, Presbiter de Whiteby; Johannes Capellanus; Thomas, Presbiter de Housgarthe; Robertus, Presbiter de Atona; Willelmus de Argentum; Ricardus de Argentum de Lofthous; Robertus de Skelton; Petrus de Scarburghe; Ricardus filius Pagani; Michael filius Adam de Thwen[g]; Nicholaus Diaconus; Robertus, Clericus de Lithe; Reginaldus socius ejus; Magister Robertus; Adam Præpositus; Besing; Walterus frater ejus; Ricardus Crassus; Orm filius Symeonis; Gilbertus de Walcote; Normannus de . . .[2] Thomas frater Martini; Martinus filius Swartchole; Radulfus filius Gosse; Alanus Cæmentarius; Stephanus filius Vynke; Ricardus filius Johannis; Thomas Pellipernis; Ace de Lokton; Toroldus de Boleb'; Symon Golc; Normannus Coquus; et multi alii.

CCCLXIV. Alia carta de Scrytenbecc.

Walterus de Canci[3] omn. hominibus suis et amicis, Francis et Anglis, et omnibus has litteras vid. vel aud., salutes.[4] Sciatis me d. et conc. huic Willelmo de Fuble, nepote meo, duas bovatas t'ræ ad Pontem belli et culturas meas domini[c]as ad fraxinum[5] usque ad Pontem belli, pro servitio suo, illi et hær.

[1] *auarie.*

[2] Charlton reads this *Malton*, but it is more than doubtful if correctly; the three letters after the initial letter, which has been altered and is illegible, are *alt'*.

[3] See No. 201, wherein Anfrid de Canci gives to Whitby "totam illam tr'am quam pater meus dedit Will. de Fublet . . . in hæreditate—scil. ii. bov' ad Pontem belli, etc."

[4] Ita.

[5] The reading here is certainly corrupt. The word inserted may be *freuea* or *frenea*. I have ventured to substitute *fraxinum*, taking the suggestion from a passage in the early part of No. 367, bearing manifest relation to the same locality.

suis, (121b) lib. et quiete et hæreditarie tenendas de me et de hær. meis, cum omn. pert. suis, quæ t'ræ illi adjacent, per servitium[1] liberum faciendum[2] quantum pertinet ad duas bov. t'ræ de decem carrucatis in servitium militis. Valete. Testibus:—Symone de Chanci. Gaufrido Lirit'. Petro de Swirtana. Serlone de Jolthorp. Ricardo Barun. Gasagon. Willelmo de Help[er]thorp, et Radulfo fratre ejus; et Reynaldo de Haraus;[3] Lamberto Canicii; et Nicholao Clerico; et Radulfo, fratre ejus; et Arelino Presbitero; et Aicatilla; et Augero; et Willelmo Norais; Gaufrido de Canci; et Willelmo de Cellum; Nalipres; et Roberto, fratre Grenda; et Roberto, fratre Serlonis; et Gaufrido, Ministro Regis, de Leig'; Uspac Præposito; et cæteris.

CCCLXV. Alia de Scritenbec'.

Sciant omnes, tam pr. quam fut., quod ego, Odo, filius Normanni Dispensatoris D'ni Anfridi, dedi et hac. c. mea conf. Eccl. S. P. et S. Hyldæ de Whiteby [*etc., as in No.* 206].[4]

CCCLXVI. Alia de Scritenbec.

Anfridus de Canci omnibus vid. et aud. litteras istas, salutem. Sciatis me conc. et ded. et pr. c. conf. Anfrido Clerico, filio Arnaldi, filiolo meo,[5] in pur. et perp. elem., toftum unum in Scridenbek, contra portam d'ni Nicholai Personæ, cum crofto ad illud pertinente, et cum aliis omn. pert. (122) et aisiamentis infra v. et extra, tenendum de me et de hær. meis liberum et quietum ab omni sæculari servitio—Reddendo michi et hær. meis per annum dimidiam libram cumini ad Natale Domini pro omni servitio:—Ita quod idem Anfridus, cum decesserit, vel ad religionem transierit, in libera potestate habebit ut præfatum[6] toftum, cum prædictis pert. ejus, cui voluerit donet in feudo et in hæreditate, tenendum de me et de

[1] *seruisium.* [2] *facientem.*

[3] *Haraus* or *Harans.* Many of the succeeding names are of very strange, if not of very doubtful, form.

[4] There are three more witnesses specified in this copy, viz.:—Jurdano Britone, Petro filio Grente (written *fulgrante;* but see the witnesses to next charter), and Anfrido Clerico; which last is doubtless the "Anfrid' Cler. filius Arnaldi, filiolo meo" of the next document.

[5] Probably godson of the grantor. [6] *prephatum.*

hæredibus meis sine conturbatione mei vel hær. meorum, salvo prænominato servitio. Hiis testibus. Nicholao, Persona de Scirpenbek. Laurentio, nepote suo, et Thoma, fratre ejus, et Adam, fratre ejus. Petro, filio Grente de Sutton. Jurdano de Bugthorp, et Petro fratre ejus. Et Willelmo Noreys, Michaele filio ejus, et Henrico fratre ejus. Reginaldo, filio Dun. Petro filio Willelmi de Wilburfoss, et Jurdano fratre ejus; et Willelmo filio Reginaldi filii Dun. Hugone filio Ketel [de] Ebor. Waltero, filio Hosbern de Barkesthorp. Waltero, filio Pani de Katton. Hugone filio Rogeri. Andrea filio Turgis; et cæteris.

CCCLXVII. Alia carta de Scritenbec.

A. G. mill° ducentesimo septuagesimo, ad Natale Domini, ita convenit inter D'num Robertum,[1] Abbatem, et Conv. de Whiteby, ex una parte, et D'num Thomam de Chanci, dominum de Scripenbek, ex altera:—Videl. quod cum Adam de Chanci de Scridenbek detulisset quoddam breve novæ dissaisinæ super præd. Abbatem de communa pasturæ cujusdam culturæ jacentis inter fraxinum [2] et villam de Ponte Belli, per assensum et procurationem ipsius D'ni Thomæ, idem D'nus Abbas et Conventus concesserunt quod cultura præd., quæ dudum fuerat terra arabilis, jaceat ad pasturam prout consueverat tempore aliorum Abbatum, prædecessorum suorum, (122[b]) quamdiu culturæ et seliones libere-tenentium, vel aliorum de villa prædicta, prope jacentes, jaceant ad pasturam. Et si contingat quod prædicti tenentes t'ras suas coadjacentes vertant in terram arabilem, quod præd. Abbas et Conv. culturam præd. in terram arrabilem vertant sine alicujus contradictione vel impedimento; salva eisdem Domino Roberto Abbati, et Conventui, vestura bladi crescentis in cultura prædicta. Et pro hac concessione prædictus D'nus Thomas de Chanci concessit et manucepit quod salvabit vesturam illius culturæ anni præsentis ad opus prædictorum D'ni Roberti, Abbatis, et Conventus absque detractione vel calumpnia vel aliqua diminutione, et faciet retrahere [3] illud breve novæ dissaysinæ quod prædictus Adam impetravit super

[1] Robert de Langtoft succeeded William de Briniston (who died in 1265), and died in 1278.

[2] See No. 364 and note.

[3] *rettrahere.*

præd. Abbatem. In cujus. rei test. huic scr. cirografato partes sigilla sua hinc inde apposuerunt. Hiis testibus Domino R[adulpho],[1] Rectore ecclesiæ de Scripenbek. Magistro W[illelmo][2] de Potthow. Willelmo de Lincolnia. Ricardo de Butterwyk. Rogero de Celario; et aliis.

CCCLXVIII. Alia carta de Scridenbek.

Omn. hominibus has litteras aud. vel vis., Willelmus filius Hugonis de Ebor, salutem. Noverit univ. v. [*etc., as in No.* 105].[3]

CCCLXIX. Alia de Scridenbek.

Sciant omnes, ad quos pr. scriptum pervenerit, ita convenisse inter Abbatem[4] et Conv. de Whiteby, et Michaelem Norensem de Scripenbek—videl. quod præd. Abbas et Conv. relaxaverunt eidem Michaeli totum clamium quod habuerunt in quadam domo in Scirpenbek, pro qua prædicti Abbas et Conv. implacitaverunt eundem Michaelem per breve de nova dissaisina. Et pro hac relaxatione et quietaclamatione prænom. Michael dedit et concessit præd. Abbati et mon. suis liberum transitum per t'ram suam per parvum mariscum versus aquilonem juxta terram Ecclesiæ, secundum quod via determinata fuit per terminos eo tempore quo pax facta fuit inter eosdem Abbatem et mon. et Michaelem. Et notandum quod præd. Abbas et mon. de Whiteby, vel sui, non vendicabunt .sibi jus transeundi per curiam prædicti [Michaelis], nec idem Michael, vel sui, sibi jus

[1] See No. 371, of several years' later date than this deed, wherein "Radulphus quondam Rector" is spoken of as lately dead, and law proceedings by Thomas de Chanci are also made mention of.

[2] The name of William de Pothow occurs as that of a witness in three deeds in the Yarm Friarage collection, cotemporary with Stephen de Meinill son of Robert, and with Adam de Hilton. The latter was still living in 1245. This may be the same man, or, if not, his son.

[3] There are five additional witnesses specified here, viz.:—(123) Radulfo Burdon. Michaele Norrays. Petro Britone. Benedicto, filio Arnaldi. Henrico Puset; et aliis—the last two of whom are met with in No. 249, the date of which is indicated within a few years by the name of the first witness specified.

[4] Abbot Roger, as Will. de Foxton, the last witness named, was Seneschal in his time.

vendicabunt transeundi per curiam præd. Abbatis et mon. de consuetudine. Convenit etiam inter prænom. Abbatem et mon. et Michaelem, quod idem Michael, vel sui, nichil ponent vel operabunt a porta præd. Abbatis et mon. usque ad publicam stratam, ad nocumentum exitus vel introitus Abbatis et monachorum, vel suorum, salvo tamen eidem Michaeli et[1] suis exitu et introitu ad eandem domum de qua movebatur lis inter eosdem Abbatem et mon., et Michaelem. Et ut hæc omnia in roborem perpetuum habeantur, utraque pars hoc scriptum sigillis suis roboravit. Notandum etiam quod convenit inter prænom. Abbatem [et] monachos, et Michaelem, quod idem Michael emendaret viam quæ ducit a porta Abbatis et mon. usque ad publicam stratam quod fuit emendandum tempore quo facta fuit hæc conventio. Hiis testibus. Waltero de Chancy. Waltero de Katton. Roberto Murdac. Roberto de Chancy. Willelmo de Barkesthorp. Radulfo Burdon. Petro Breton. (123[b]) Willelmo de Foxton, tunc Senescallo Abbatis; et aliis.

CCCLXX. Alia de Scripenbek.

Universis S. M. Eccl. filiis, tam pr. quam fut., Michael Norensis de Scyrpenbek, salutem. Noverit [*etc., as in No.* 50].[2]

CCCLXXI. Alia de Scripenbek.

Reverendo domino et patri in Christo W . . .[3] D. G. Ebor. Archiepiscopo, Angliæ Primati, suis devotus R . . . Officialis Archidiaconi Estridinge, salutem, cum omnimoda reverentia et obedientia debitis tanto patri. Facta inquisitione in pleno Capitulo de Buctros, tertio nonas Decembris, apud Scraingham congregato, prout mandati vestri series continebat, super eccle-

[1] *ex.*

[2] There is a little difference in the order of the witnesses and in the spelling, as will be seen on looking over the present list, which begins as the former one does with Walter de Chancy (Canci in No. 50) and proceeds :— Roberto Murdac. Rogero Chancy. Waltero de Cattona. Willelmo de Barkestona. Radulfo Burdon. Willelmo de Foxtona, tunc Senescallo Abbatis. Petro Breton ; et aliis. See note to last Charter.

[3] No. 367, dated in 1270, makes it certain that the present deed is of a still later date, but whether the W. here stands for Walter or William is altogether uncertain. Walter Giffard was Archbishop 1266-1279, and William de Wickwaine from 1279 to 1285 ; but which of these two Archbishops is intended cannot be decided.

siam de Scirpenbek et personam d'ni Henrici de Mileford, ad eandem per Abbatem et Conv. de Whiteby [præsentatam],[1] dicit quod vacat dicta ecclesia per mortem Radulphi, quondam Rectoris ejusdem, vacavitque a die Veneris proximo ante f. S. Katerinæ virginis, et quod Abbas et Conventus de Whiteby debent ad eandem præsentare. Valet annuatim xii marcis secundum taxationem antiquam. Litigiosa est quia D'nus Thomas de Chanci opponit se alium præsentando. Solvit dictis Abbati et Conv. annuatim unam marcam nomine (124) pensionis. De moribus et ordinibus præsentati, dicunt quod honestæ conversationis existit, et in ordine subdiaconatus constitutus. In quorum testimonium huic scripto sigillum Officialis Archidiaconi Estridinge[2] apposui. Actum die et loco supradictis. Demum vero evicto jure patronatus per dictos Abbatem et Conv. contra dictum Thomam, iiii^to kalendas Martii apud Alverton, coram Dominis Wiscardo de Charinu'[3] et Willelmo de Northb', Justiciarios Domini Regis, scripsit idem Dominus Rex Archiepiscopo Ebor. quod ydoneam personam admitteret ad ecclesiam antedictam ad præsentationem Abbatis et Conv.; quod et fecit.

CCCLXXII.

In Dei nomine, Amen. Per præsens publicum instrumentum constet omnibus manifeste quod anno ab Incarnatione Domini, secundum cursum et computationem Ecclesiæ Anglicanæ, millesimo trecentesimo[4] octogesimo quinto, indictione nona Pontificatus sanctissimi in Christo patris et domini nostri, D'ni Urbani, divina providentia Papæ, sexti, anno octavo, mensis Decembris die vicesima nona, in ecclesia collegiata B. Johannis Beverlaci, Eboracensis dioceseos, in mei notarii publici, et testium subscriptorum, præsentia constitutus personaliter discretus vir, Magister Willelmus de Fereby, Rector ecclesiæ parochialis

[1] It is obvious that *præsentatam*, or some equivalent word, is needed here.

[2] *Estrindinge.*

[3] What the name intended here may be is not altogether obvious. It is not certain that it is the letter *i* which follows the *r*, but it would seem to be so, and the four strokes which follow may of course denote a variety of different syllables.

[4] The word *trecentesimo* is omitted, but there can be no hesitation about it as the name and year of the reigning Pope are both given.

de Scirpenbek, Ebor. dioceseos, ac Curiæ Ebor. advocatus, palam publice, et sua spontanea voluntate, ut dixit, fatebatur et recognovit dictam eccl. suam de Scirpenbek Religiosis viris, Abbati et Conv. Monasterii de Whitby, Ordinis S. Benedicti, Ebor. dioceseos, patronis ejusdem ecclesiæ, fuisse et esse pensionariam annuatim in xiii s. et iiii^{or} d. sterlingorum, unam marcam in Anglia secundum consuetudinem ibidem usitatam facientium, et ipsum ad hujusmodi pensionem annuatim dictis Religiosis viris fideliter solvendam expresse obligavit quamdiu contigerit ipsum esse rectorem ecclesiæ supradictæ, et in signum pensionis hujusmodi debitæ Religiosis antedictis, fratri Petro de Hertilpole,[1] monacho dicti Monasterii, ibidem personaliter præsenti nomine eorundem Religiosorum et pro ipsis, unum grossum[2] argenti, quatuor denarios sterlingorum (124^{b}) faciens, dedit et liberavit tunc ibidem. Acta fuerunt hæc prout supra scribuntur sub anno, indictione, pontificatu, mense, die et loco prædictis, præsentibus discretis viris Magistro Willelmo de Fereby de Ebor., Curiæ Eboracensis advocato, et Adam de Sartryn de Haknesse, literato, Ebor. dioceseos, et aliis testibus ad præmissa vocatis specialiter et rogatis.

Et ego Nicholaus Broun de Esyngwald, Clericus, Ebor. dioceseos, publicus auctoritate Apostolica notarius, præmissis recognitioni, obligationi et liberationi, ac omnibus aliis et singulis supradictis, dum sic, ut præmittitur, agerentur et fierent, una cum prænominatis testibus personaliter præsens interfui, eaque sic fieri vidi et audivi, scripsi, et in hanc publicam formam redegi, signoque meo consueto signavi rogatus in fidem et testimonium præmissorum.

CCCLXXIII. Alia de Scripenbek.

Noverint universi per præsentes me, Willelmum filium Thomæ Chancy[3] seniorem de Scirpenbek, remisisse, relaxasse et pro me et hær. meis imperpetuum quietum clamasse Abbati et Conv. Monasterii de Whiteby omnimodas actiones, tam reales quam personales, quas versus eos habui, seu aliquo modo habere

[1] Named in the list of monks given in No. 377 as Bursarius.

[2] "Grote of money. *Grossus*" (Prompt. Parvulorum).

[3] See No. 530, which is dated in 1346, or some twenty years before this, and wherein "Thomas de Chauncy fil. Will. de Chauncy de Sckirpenbek" gives a general confirmation of all donations of his ancestors to Whitby.

potui, ratione dimissionis manerii ipsius Abbatis de Scirpenbek mihi factæ, seu quacunque alia causa a principio mundi usque in diem confectionis præsentium:—Ita quod nec ego, dictus Willelmus, aut hær. mei aliquam actionem realem aut personalem occasione præmissa, seu quacunque alia causa, versus eosdem Abbatem et Conv. et success. suos tempore elapso de cætero habere poterimus in futurum, sed ab omni actione præmissa simus exclusi per præsentes sigillo meo signatas.

Datum apud Scirpenbek sexto die Maii anno Regis Edwardi tertii a Conquestu quadragesimo.

CCCLXXIII[a]. Alia de Scripenbek.

Noverint universi per præsentes me Willelmum, filium Thomæ de Chancy seniorem de Scirpenbek, remisisse, relaxasse et pro me et hær. meis imperpetuum quietum clamasse Abbati et Conv. (125) Monasterii de Whiteby omnimodas actiones, tam reales quam personales, quas versus eos habui [*etc.*].[1]

CCCLXXIV. Conventio[2] inter Abbatem de Whiteby et Priorem de Bridlington pro piscibus[3] decimalibus de Fivelay. [M. 164[b].]

Hugo Decanus et Capitulum S. Petri Ebor., universis S. M. Eccl. filiis, salutem. Sciatis nos pr. c. nostra testificare cyrographum et conventionem inter D'num Willelmum, Abbatem Whitebiensem,[4] et D'num Wichemanum, Priorem de Bridlyngtoua,[5] et Conventum utriusque loci—scil. quod piscatores de Whiteby,[6] cum apud Fiveleiam[7] applicuerint, ibi fideliter decimam suam dabunt imperpetuum[8]: similiter piscatores de Fiveleia,[7] cum apud Whitbyam[9] applicuerint, decimam suam ibi fideliter dabunt imperpetuum. Hiis testibus. Gernagato, Tostino, Ranulfo,[10] Canonicis. Magistro Willelmo. Thoma de Uteruse. Outhen.

[1] This appears to be simply a commencement of the preceding deed, made by mistake, and dropped as soon as the mistake was discovered.

[2] The last line and half of the preceding document are on the top of f. 125. The rest of the page is filled up with this deed and the following fragment in a similar, if not the same, hand, but in paler ink.

[3] *pissibus.* [4] M. Witebiensem. [5] M. Bredlingtona.

[6] M. Witebi. [7] *ffiuel·uiam:* M. Fiveleiam.

[8] M. inserts here "de omnibus piscibus suis." [9] M. Witebeiam.

[10] M. inserts "Canonico" after this and each of the two preceding names, instead of *Canonicis* to include all, as A. does.

CCCLXXV. Alia conventio pro decimis de Foxhols.

Universis S. M. Ecclesiæ filiis, ad quorum notitiam pervenerit hæc scriptura, Walterus, permissione divina, Ebor. Archiepiscopus, Angliæ Primas, s. in salutis Auctore. Benedictus Creator et Pater Altissimus, qui, etsi in sacrosancta Ecclesia dissentiones, concussiones et litigia ad tempus ad experimentum patientiæ et meriti personarum permiserit suscitari, eam tamen contentionum dispendiis non sustinet sui gratia dissipari. Orta siquidem nuper super quibusdem decimis infra limites parochiæ ecclesiæ de Foxhols existentibus, inter dilectos in Christo filios, Abbatem de Whitby et ejusdem loci Conv., ex parte una, et M'rum Robertum de Fangefous, Rectorem ecclesiæ de Foxhols, nostræ dioceseos, materia gravi et quasi inexplicabili diutinæ quæstionis, tandem disponente Domino, et partibus hinc inde ordinationi et decreto nostro summario se sponte, pure et absolute, penitus submittentibus—Nos, in nomine S. Trinitatis, Amen, ordinamus et diffinitive discernimus sub hac forma—videl. quod memoratus M'r Robertus, Rector ecclesiæ de Foxhols, de tenemento Andreæ de Boithorp, quod consistit in croftis et culturis subscriptis in Karterflatte . . .

[*The document breaks off abruptly here, at the bottom of f.* 125, *f.* 125^{b} *being left blank. One leaf is then cut out, and the paging goes on* 127 *on the next, which with f.* 128 *is left blank on both sides. On f.* 129 *begins the following memorandum :—*]

CCCLXXVI. (No title.)

(129) Memorandum quod A. D. millesimo sexagesimo septimo, Hugo, Comes Cestrensis, et Willelmus Percy, venerunt in Angliam cum D'no Willelmo, Duce Normannorum, Conquestore. Et idem Willelmus Conquestor dedit prædicto Hugoni villam de Whytteby, cum omnibus suis membris. Et idem Hugo dedit præd. Willelmo de Percy omnia prædicta terras et tenementa, sibi et hær. suis, ita libere et quiete sicut præd. Hugo ea habuit ex dono Regis. Et præd. Willelmus de Percy fundavit Abbathiam de Whytteby, et dedit præd. villam, cum suis membris, Deo, S. P. et S. Hyldæ de Whytteby, et Serloni, fratri

suo, et monachis ib. Deo servientibus, tempore d'ni Willelmi Regis Conquestoris[1] — scil. a portu Whyttebyensi totam marinam usque Blawyk, et inde usque Grenedyke, et in longitudine Grenedyke, et inde usque Swynstyschage, et inde usque Thornelay, et totam Thornelay usque Kyrkelake, et usque Coppekeldbrok, et inde in longitudine per cilium usque ultra Thevesdykes, et usque Stanecrosgate quæ est prope villam de Suffeld, et usque Grethayhevede, et usque Elsykcroft, et mosam usque dimidium mosæ, et inde usque Darwent, et dimidium Darwent in longitudine usque ubi erumpit Darwent, et usque Lillowcros et Scotgrayhows, et usque Sylhowe, et usque Lythebeck, et sicut Lythebeck cadit in aquam de Eske, et dimidium Eske in longitudine, et sicut aqua de Brokelbek [currit] in longitudine, usque Swarhowecros, et usque in Horsecroft, et usque Tordisa, et usque in mare, et per marinam ad Whytteby. Quæ quidem[2] bundæ continentur in quodam Quo Warranto in Comitatu Ebor. coram Willelmo de Seham.[3]

[1] This is rather an extraordinary document, inasmuch as the statements it makes are in some instances entirely incompatible with known facts, and even, as will be noticed below, with the direct and most distinct statements conveyed or involved in not a few of the Charters contained in the preceding parts of the book itself. This is unfortunate, as having a direct tendency and force towards rendering its statements, when more in consistency with truth and evidence, of less authority. Were it otherwise the statements involved in the sentences to which this note is appended would be of great value as well as importance. As noted in the Introductory Chapters, there is no evidence of any sort to indicate the manner in which the Whitby lands passed from Hugh of Chester to William de Percy as tenant *in capite*. All that we know is that they did so pass, and it is at least not improbable that they passed in the manner stated in the present sentences. Again, there is every ground, in the way of reasoning and induction, for arriving at the unhesitating conclusion that the donation of Whitby Strand to the Abbey was made in the Conqueror's time, and in all particulars as here stated. These statements then would be of great interest, and greater value, as at once removing the doubts implied or expressed by Charlton and Young, and correcting the misunderstandings of those authors, were it not for the blemishes noticed above.

[2] *quidam.*

[3] "William de Saham (son of Robert de Saham of Saham Toney in Norfolk, and brother of Richard de Saham, who was made a Baron of the Exchequer, 23 Edw. I.) founded a Chantry at Saham Toney. He was raised to the Bench on the accession of Edw. I., and continued to act for many years as a Judge of the King's Bench, and to be employed on many Itinera till 18 Edw. I. In that year, although he shared in the disgrace of many of his

Et prædictus Willelmus de Percy de[dit] Abbathiæ de Whytteby totum solum (129[b]) de Tordsaybek, quæ est subtus castrum de Mulgref, currens in mare, usque Tyllaybeke qui est subtus Ravenclyf juxta manerium de Semar, quod est manerium Domini de Percy—exceptis sex carucatis terræ—videl. ii carucatis in Hakenos et iiii in Northfield juxta Hakenos, quæ sex carucatæ terræ erant donatæ Abbathiæ prædictæ per Willelmum Conquestorem, prout notatur in quodam Inspeximus domini Edwardi Regis,[1] filii Edwardi Regis, de diversis donationibus dictæ Abbathiæ factis.

Item sunt in Dunceley iiii carucatæ terræ de feodo de Percy quas dictus Abbas tenet.

Et idem Willelmus de Percy, fundator dictæ Abbathiæ, genuit Alanum de Percy, et Ricardum fratrem ejus; et idem Alanus confirmavit cartam patris sui, et obiit sine hærede de corpore suo,[2] et sepultus [est] apud Whytteby; et sic descendit

brethren, and was not only removed from his seat, but fined in the sum of three thousand marks (*Weever*, 367; *Rot. Parl.* i. 52-63), he is described in a document (*Bib. Cott. Claud.* I. viii. p. 206) as entirely innocent—'in quo dolus seu fraus non est inventus'—and as paying a fine to conciliate the King. He was alive in 28 Edw. I., when he was defendant in an action brought against him for damage done to property in Hemingham in Norfolk (Abb. Placit, 242)."—(*Foss' Judges of England*, p. 577.) I have not been able to discover the "Quo Warranto" named.

[1] See No. 582.

[2] This, in the face of such documentary evidence as is afforded in No. 1 (p. 4), "ex dono Will. de Percy, filii Alani de Perci, advocati nostri;" No. 26, by William de Perci, who in it speaks of "Emma de Port, mater Alani de Perci, patris mei," and of Walter de Percy, "frater meus;" No. 55, "Will. de Perci, filii Alani de Perci;" No. 187, Richard the First's confirmation of "omnes donationes Will. de Perci, fundatoris, et Alani de Perci, filii ejus, et Will. de Perci, filii Alani," etc.; to say nothing of such other documents as Nos. 59 and 211, wherein Alan de Perci, the grantor, speaks of his father Alan, and of his brothers William, Walter, Gaufrid and Henry—and there are others like—in the face of such documentary evidence this statement in the text is simply astounding; and so is the following one, that Alan having no issue "the inheritance descended to Richard (de Perci, de Dunseley) his brother, as heir to the said Alan." But that which next ensues, viz., that "this Richard neither gave nor confirmed anything" to the Abbey is not much less surprising, as he is the first donor mentioned in the Memorial after the founders (William and Alan) and Emma de Port, as bestowing "duas partes decimæ bladi de dominio de Stachestune" (p. 3), and from *Kirkby's Inquest* it appears (p. 52) that there were six carucates of the Percy fee at this place, held of Gilbert de Gaunt.

hæreditas Ricardo fratri suo, et hæredi ejusdem Alani; et præd. Ricardus nihil dedit nec confirmavit. Et de præd. Ricardo processit Willelmus de Percy, qui quidem Willelmus de Percy, filius Ricardi, fundavit domum de Grenedall'[1]—nunc vocatur Handall'—in honore B. Mariæ Virginis, tempore Henrici Regis Angliæ, filii Willelmi Conquestoris, A. D. millesimo, centesimo, tricesimo tertio, per cartam suam. Et idem Willelmus de Percy dedit illis monialibus duas toftas in campis de Dunceley super mare, unam scilicet Willelmi filii Ermoth, et aliam Aldewini, et alibi in campis de Staxtona—scil. in Depedale decem acras t'ræ de suis dominicis, et pasturam cc^{arum} ovium, sicut in campis de Grenedall', et in campis de Dunceley, in perp. elemosinam.

Et idem Willelmus de Percy, filius Ricardi de Percy, dedit Monachis de Whitteby iii bovatas t'ræ in Dunceley et quinque toftas per c. suam in hæc verba.

Omnibus S. Matris Eccl. filiis, tam futuris quam præsentibus, Willelmus.

[*The copy breaks off here at the bottom of f.* 129^b. *The next page, or folio, f.* 130, *is blank, but on the reverse, f.* 130^b, *the following document begins*:—]

CCCLXXVII. (No title.)

(130^b) In Dei nomine. Amen. Per præsens publicum instrumentum constet omnibus manifeste quod anno ab Incarnatione Domini, secundum cursum et computationem Eccl. Anglicanæ, millesimo trecentesimo nonogesimo tertio, indictione prima Pontificis sanctissimi in Christo patris et d'ni nostri, D'ni Bonefacii, D. P. Papæ noni, anno quarto, mensis Septembris die quarta, mane, diu ante processum fuerat ad electionem[2] Abbatis Mon-

[1] It might be almost surmised, from the misstatements just noted, that possibly the writer of this document had confounded William de Percy, son of Richard of Dunsley, with William son of Alan, and that the confusion still existed when he penned this sentence, were it not that there is confirmation from other sources that William, son of Richard de Percy de Dunsley, really was the founder of Handale. It may also be specially noted, as implied in the entry last quoted, that Staxton, as well as Dunsley, both named in the next sentence, were alike in the fee of the Dunsley Percies.

[2] The Abbot last deceased was John de Richmond. He was succeeded by Peter de Hertilpole (named as Bursar in the present deed), whose incumbency, as will be seen from the next document, was very brief indeed. He died the

asterii de Whitteby, Ebor. dioceseos, in domo Capitulari dicti Monasterii de Whitteby, Reverendi Religiosi viri — fratres Johannes Allerton, Prior; Thomas de Haukesgarth, Prior de Midelesburgh ; Petrus de Hertilpole, Bursarius ; Reginaldus de Esingtona, Sacrista; Robertus de Boyntona, Subsacrista; Willelmus de Ormesby, Elemosinarius; Stephanus de Ormesby, Firmarius; Willelmus de Yarme; Willelmus de Bokyngham, Magister operis; Robertus de Midillisburgh, Celerarius coquinæ; Thomas de Hakenesse, Camerarius; Willelmus de Dalton, Celerarius; Thomas de Bolton'; Thomas de Elyngton, Præcentor; Rogerus de Pykryng, Magister Altaris B. Mariæ: Johannes de Ryston', Hostellarius; Thomas de Butterwik, Succentor;[1] Johannes de Whitteby; Willelmus de Garton', et Hugo de Garton', monachi dicti Monasterii de Whitteby ac Conventum sive Capitulum præd. Monasterii tunc facientes, ut dicebant, in mei, Notarii Publici, et testium subscriptorum præsentia personaliter constitu[t]i, quandam ordinationem sive statutum in scriptura redactum coram eis legi fecerunt palam et publice;—cujus quidem ordinationis sive statuti tenor per omnia talis est:—In Dei nomine, Amen. Nos, fratres Johannes, Prior, et Thomas, monachi de Whitteby, Ebor. dioceseos, ac omnes et singuli monachi dicti Monasterii hic præsentes, considerata nimia cordis anxietate,[2] quomodo temporibus retroactis, per indiscreta regimina ac alia incurias et insolentias sive negligentias præsidentium, et faciles ac leves, indiscretosque consensus sive communentias confratrum nostrorum, incommoda innumera, variaque dispendia, per quæ bona et thesauri[3] dicti Monasterii co[l]lapsa et co[l]lapsi fuerint, eidem Monasterio accidisse—Volentes hujus indempnitatibus in quantum nobis est possibile providere, et talibus insolentiis et facilitatibus occurrere et præcavere, sacris canonibus et constitutionibus apostolicis inde proinde provulgatis inhærentes, in ea parte ordinamus et firmiter statuimus, unanimi consensu, quod postquam de maneriis Ecclesiæ et aliis dicti Monasterii possessionibus pecuniæ per officiarios eorundem, qui pro tempore fuerint, recol-

following year. The enumeration of the officers of the Convent is interesting; but it will be remarked that, exclusively of the Prior of Middlesbrough, only nineteen monks are enumerated.

[1] *Succenttor.* [2] *anuexitate.* [3] *thesaurarii.*

[l]ectæ, et ad dicti Monasterii Thesaurarium deportatæ et assignatæ fuerint, communibus omnibus et expensis necessariis cotidianis deductis, dictæ pecuniæ, sicut præmittitur, ad Thesaurarium consignatæ, nullo modo, nulla ymaginatione, occasione, seu colore quæsito, inde recipiantur, tollantur, sive auferantur per quemlibet officiarium, seu alium cujuscunque vice, auctoritate, jussione, voluntate, sive mandato, nisi quoad usus dicti Monasterii necessarios et inopinatos emergentes, seu ad evidentem ejusdem Monasterii utilitatem duntaxat approbandam et comprobandam[1] per præsidentes et totius Conventus, seu majoris partis ejusdem Monasterii, consensus deliberate et discrete præstitos, et tunc demum etiam cum dictæ necessitates, casus vel utilitates aliis bonis et possessionibus, seu aliunde, minime poterint relevari, sustineri, sive remediari: et quod universalis status Monasterii in Capitulo dicti Monasterii semel in anno declaretur. Et ad observandum prædictam ordinationem, nos, Prior, et prædicti, omnes et singuli, monachi et confratres dicti Monasterii, pure, libere et sponte, et in quocumque statu, gradu et honore fuerimus, in præsentia notarii publici et testium infra scriptorum, ad ora'[2] Dei, evangelia per nos et quemlibet nostrum corporaliter tacta, juramus et præstamus et quilibet nostrum jurat et præstat sacramentum, et super præmissa petimus unum vel plura fieri instrumentum vel instrumenta. Acta fuerunt hæc prout supra scribuntur, sub anno, indictione, Pontifice, mense, die, et loco prædictis, præsentibus Reverendis et discretis viris—Magistro Thoma de Walkyngton, sacri Palatii Apostolici causarum Auditore, et Magistro de Newark, Curiæ Ebor. advocato, testibus ad præmissa vocatis specialiter et rogatis.

(131[b]) Et ego, Nicholaus Broun' de Esyngewalde, Clericus, Ebor. dioceseos publicus auctoritate notarius, dum prædicti Johannes Allerton, Prior, ac omnes et singuli monachi, dicti Monasterii Conventum sive Capitulum dicti Monasterii tunc facientes, ut dicebant, dictam ordinationem, sive statutum, in scriptis[3] redactam, coram eis legi fecerunt, et illam, sive illud, facere similiter convenerunt et fecerunt in forma prænotata,

[1] The reading here is uncertain. It appears to be *approbandi et comprobandi*, but it may be meant for *approband' et comproband'*.

[2] *ora'*. What is intended is not apparent. [3] *inscript'*.

juramentum etiam præstitum per eosdem et eorum quemlibet in forma superius annotata, sub anno. indictione, Pontifice, mense, die et loco prædictis, una cum testibus superius nominatis, personaliter præsens interfui, eaque omnia et singula supradicta sic fieri vidi et audivi, meque diversis negotiis arduis occupato, per alium scribi feci, et in hanc publicam formam redegi, meque[1] hic subscripsi, ac signo meo consueto signavi rogatus, in fidem et testimonium præmissorum.

CCCLXXVIII. (No title.)

Vacante Monasterio de Whitteby per mortem domini Petri de Hertilpole, ultimi Abbatis Monasterii prædicti, qui obiit secunda die mensis Augusti, A. D. millesimo ccc^{mo} nonogesimo quarto, succedente domino Thoma de Bolton' eidem in Abbatem Monasterii prædicti, qui institutus et installatus fuit duodecimo die mensis Septembris A. D. supradicto, qui quidem dominus Thomas supradictus in sui novitate, et omnes alii fratres ad tunc Conventum facientes, de illorum communi consensu decreverunt facere unum inventarium, prout volunt statuta canonica edita in hac parte.

Inprimis, in festo S. Martini, anno supradicto, in officio Instauri Monasterii prædicti, apud Grangias de Stakesby, Lathgarth, Whitbylaths, Filyng, Haknesse, vaccariis diversis, et in manibus tenentium Monasterii prædicti ex accommodat', ut per rotulos et tallias inde confectos apertius (132) declaratur, sunt animalia diversarum ætatum—videl. boves, bovenculi, vaccæ et vituli, ad summam ccc.iiii^{xx}xiiii;—appretiata ad summam c.iiii^{xx}ii li. iii s. Item multones, ad summum ii^{ml}dc.v^{xx}ix;—pretium clxxi li. iii s. iv d. Item equi et equæ, ad summam lxiii;—pretium xxvi li. iii s. iiii d. Item capræ xiiii;—pretium xii s. vi d. Item porci et porcaria, apud Semar et Haknesse et alibi, ad summam l;—pretium, v li. Item in Grangia, de frumento, v quarteria; de mixtili,[2] vii quarteria; de braseo ordeico,

[1] Ita.

[2] *Maslin, Meslin, Mashelton, Maselgeon, Maslegin*, etc., as variously called in different parts of the north, the first three names being those most heard in the district of Whitby Strand and its vicinity; a mixture of wheat and rye, usually grown together, and, of course, threshed, dressed, and ground together, and the meal used to make bread—" brown bread "—with. Large breadths of it were grown as lately as thirty-five years since in different parts

xiii^{xx}xii quarteria; de braseo avenæ, xli quarter'; de ordeo, i quarter'; de pisis, iii quarteria. Item in Grangea de Stakesby sunt de frumento, l quarteria; de avena ib., xx quarteria. Item de feno ib., xx plaustratus. Item de frumento seminato ib., xvii acræ. Item in orreo decimali ib., de frumento et mixtili, xx quarteria: Item de avena ib., xvi quarteria; de ordeo i quarter'. Item apud Lathgarth, in orreo culturarum[1] sunt de frumento, xx quarteria, et de avena, lx quarteria: Item de feno ibid. xvii plaustratus: Item in orreo decimarum, de frumento et mixtili, xii quarter'; de avena ib., xxx quarteria: Item de frumento seminato ib., xxx acræ. Item in Grangia de Whitbilaths sunt de frumento, xl quarteria; de avena iiii^{xx} quarteria; de feno ib., xx plaustr'; de frumento seminato ib., xxx acræ. Item in Manerio de Midilwode xv plaust' feni. Item in le Cote, xx plaust' feni. Item in Bothomcote, xxiiii plaust' feni. Item in Manerio de Filyng, sunt de frumento, iii quarteria; de avena, viii quart'; de feno, xv plaustratus. Item in le Henyngs[2] ib., xii plaustratus. Item sunt in Manerio de Hakenes, de frumento, xxii quart': Item de ordeo, x quart': Item de avena, xxxiii quarteria: de feno ib., x plaustratus. Item, apud Semar, sunt de frumento, xliiii quarter'; de siligine ib., lx quarter'; de ordeo ib., iiii^{xx} quarter'; de avena ib., xii quarteria; de pisis ib., x quart'; de feno, viii plaustratus. (132^{b}) Item sunt apud Cayton, de frumento, xvi quarteria; de siligine,

of Yorkshire, though it is many years now since I have seen a field in Cleveland.

[1] *cultur'*. Probably *culturarum*, or *culturali*, is the right reading, as it is the husbandry barn (or granary therein), in contradistinction to the tithe-barn or *orreus decimalis* or *decimarum*.

[2] Under the word *Hayn*, Hallswell gives as its explanation, "To lay in ground for hay, by taking the cattle off, etc.—*Oxon*. Also, to hedge or fence. —*Var. dial.*;" and under *Hayne*, "an enclosure, a park.

> Grete hertes in the *haynes*
> Faire bares in the playnes."
>
> MS. Lincoln, A. I. 17, f. 130."

The present word is merely a formation from *hayn*, having the dialect word *ing*—in its first sense "low and moist meadow or pasture land," and afterwards becoming a distinctive or descriptive name as supplied to a field or portion of land—as its second element. In the Appendix will be found copy of some of the Abbey account rolls, in which the localities severally named in this document will be found identified, as far as is possible, at least.

xl quarter'; de ordeo, ii quarter'; de avena, xx quarter'; de pisis, iii quarteria; de feno, xv plaustratus. Item in Rectoria de Aton in Clyflande, sunt de frumento et mixtili, xxx quarter'; de avena, lx quarter'; de ordeo ib., iii quarter'; de pisis ib., ii quarteria. Item sunt apud Nunthorpe, de frumento, xviii quarter'; de avena, xx quarteria. Item sunt apud Ingylby, de frumento, lx quarter'; de avena ib., xxx quarteria. Item de ecclesia de Crosby, xxii lī. Item sunt in le Fyschehows, octo lastæ allecium. Item sunt de piscibus[1] salsis, ccc; de codlyngs, cxx. Item iii barell' barels[2] allecium albarum.

Item sunt jocalia in camera Abbatis:—In primis, vi vasa argentea et deaurata. In primis, x disci argentei cum quinque sawsers; Item vi coclearea deaurata; Item xxxii coclearea diversorum ponderum; Item iii cuppæ argenteæ et deauratæ; Item ii cuppæ argenteæ coopertæ.; Item iiii peciæ [3] coopertæ argenteæ; Item ii peciæ argenteæ sine coopertoriis; Item i coopertorium argenteum; Item i godhed[4] argenteum et enamyld; Item ii sawsers pro sale, i coopertum, i alium non; Item i plate argent' pro speciis; Item ii ewers de argento, i deauratum, i alium non; It. i pecia de argento atque deaurata; Item ii fialæ de argento; Item i ciphus cum coopertorio de murra, quondam Alexandri de Lyth; Item ii magni ciphi de murra; Item ii parvæ,[5] sine circulis; Item vi minores, cum circulis; Item i coopertorium de murra; Item i crux de cristalle; Item iii calices argentei, de quibus duo sunt deaurati; Item ii lectisterniæ, cum competenti ornatu; et alii panni diversi et mens[ales];[6] Item iii pelves, et iii lavatoria de auricalco; Item ii pares de cofers; et aliæ res diversæ quas non oportet specialiter declarare. Redditus assisæ extendit se ad summam ccxxxii lī. v s. vi d. ob. Item diversi creditores debent Monasterio xv lī. x s. Item in T[h]esaurario, sunt xiii^{xx} lī. vi s.

[1] *pissibus.*

[2] Ita; probably intentionally. The second word signifying quantity only, the first stating the fact that they were actually "in the barrel."

[3] *pic'.*

[4] "*Goddard.* A kind of cup or goblet, 'a wooden *goddet* or tankard.'—*Florio*, p. 80." Hall.

[5] *parue;* though the context would require *parvi.*

[6] *mens';* "table linen" is probably meant.

ONERA INCUMBENTIA DICTO MONASTERIO DE WHITTEBY.

Pensiones perpetuæ:—Domino Archiepiscopo pro pensione de Semar v li, vi s. viii d.; (133) Domino Priori de Weduhall' per compositionem, x quarteria frumenti; Domino de Sem'[1] pro terra in Everlay xiii s. iiii d.; Hospitali Sancti Leonardi Ebor., pro Petircorne,[2] iii$^{mil'}$ allecium; Procuratori domini Papæ in Anglia, vii s. vi d. Corrodia vendita ad terminum vitæ per ebdomadas[3];—Magistro Thomæ Walkyngton', xiiii panes albos et xiiii lagenas servisiæ conventualis; Item Radulfus Rogerson recipit xiiii panes albos et xiiii lagenas servisiæ convent., et x panes secundos,[4] et vii lagenas servisiæ secundæ;[4] Item Willelmus Marsyngale recipit viii panes albos et viii lag. servis. convent.; Item corrodium domini Regis quod Willelmus Ak recipit—viz., vii panes et vii lagenas servis' conventualis; Item Lyulphus de Laund rec. viii panes et viii lag. servis' conventual'; Item Walterus Portarius rec. viii panes et viii lag. servis' convent'; Item Johannes Harwode rec. viii panes et viii lagenas servis. conv.; Item Cecilia Percour rec. vii panes et vii lag. cerevis' conv.; Item Robertus Pynder rec. vii panes et vii lag. servis. conventual'; Item Rogerus Malynson rec. vii panes et vii. lag. serv. conv.; Item Thomas Percour rec. xiiii panes et vii lag. serv. secundæ.[4]—Summa per annum—v^{xx}xii [panes] qui fiunt de dimidio quarterio frumenti. Summa lagenarum—iiii^{xx}xviii quæ fiunt de iii quarteriis de braseo

[1] *Semer*, in all probability. No note, so far as I am aware, is extant as to any service rendered by the Abbey for the lands of Everley to the lord of the fee, who, at the date of the present deed, was Henry de Percy, Earl of Northumberland.

[2] For the specified payment, see No. 295. But no explanation of the term is apparent.

[3] *Ebo'*.

[4] A contraction occurs in all these places, the exact equivalent of which is not too evident. It is in form a long *s* with a curved crossing—in fact, exactly similar to the contraction which stands at the end of the word *servisiæ* as written in its contracted form (*s'uis's'*) where it stands for *sie* (=*siæ*). There is little doubt that it is intended to denote ale and bread of an inferior description, and may perhaps represent *secunde*, which I have ventured in place of it, on the analogy of the word applied to flour of an inferior description as compared to fine or the best, namely, "seconds."

avenæ.[1] Item Willelmus Schephird rec. vi quarteria avenæ farinæ. Item robæ concessæ pro prædictis per annum extendit[2] ad summam—iii li. Item coquina et alia necessaria dictorum Radulphi et Magistri Thomæ extendit se ad summam annuatim —iiii li. xii s.

Reparationes ædificiorum Monasterii prædicti. Inprimis ædificia co-operienda cum plumbo requirunt, cum aquæductu, ad summam—ccxx li. Item alia ædificia infra Abbathiam requirunt ad summam xxx li.: Item Grangia de Stakesby requirit xiii li. x s.: Item Lathgarth requirit ad summam xxiiii li.: Item Whitbylaths requirit xxiii li.: Item Medilwode requirit ad summam xvi li.: (133b) Item Filyng requirit ad summam iii li.: Item Haknes req. ad sum. x li. viii s. vi d.: Item Semar req. ad sum. v li.: Item Eskdale req. ad sum. xviii li.: Item Aton in Clyfland, ad sum. x li.: Item Ingilby requirit xiii li. vi s. viii d.: Item Crosby req. xx li. Item Barcariæ requirunt ad reparationem v li. Item Parcus de Filyng req. ad sum. v li. —Debita Monasterii de Whytteby extendunt se ad summam iiii^{xx}v li. xiiii s. iiii d.

[1] The sum-total does not exactly correspond with the several quantities enumerated, except in respect of the loaves :—

	Panes albi.	Lag. cer. conv.	Panes sec.	Lag. cer. sec.
Thus, Thomas Walkyngton, . .	14	14	...	...
Ralph Rogerson, . . .	14	14	10	7
Will. Marsyngale, . . .	8	8	...	...
William Ak, ...	7	7	...	...
Lyulph de Laund, . . .	8	8	...	...
William Portarius, . . .	1	8	...	...
John Harwode, . . .	8	8	...	...
Cecilia Percour, . . .	7	7	...	...
Robert Pynder, . . .	7	7	...	...
Roger Malynson, . . .	7	7	...	...
Thomas Percour, . . .	14	...	...	7
	102	88	10	14

In all, 102 white loaves, with 10 seconds, making up the sum of 112, as stated in the document, and made out of half a quarter of corn. The ale sums up to 88 flagons, with 14 of the second quality, or a total of 102, which is four more than the number stated—iiii^{xx} et xviii, and which are made out of three quarters of oat malt.

[2] *Ita.*

CCCLXXIX.

[*In a late hand immediately at the close of No.* 175 *on f.* 133^{b} *is the following* :—]

The agreement between the Abbott of Whitbye and the Lord Sneaton ys, as follows according the bounder heer sett down that the Abbot for his Monestory and his grange of Staxbie and Whitbie laythes may gatt turfes within the plac[e] and pluck ling when wher or as they will and the lord of Sneton for himselfe only.

CCCLXXX. Memorabilia inter Abbatem de Whitby et Alexandrum de Sneton.

Memorandum quod cum pacis æmulis Sathanæ facibus discordiæ seminatoribus instigantibus pacis vinculum, amoris fœdus, rumpere conantibus, pax, amor et fœdus Domini inter Thomam,[1] Abbatem et Conv. de Whiteby, ex parte una, et dominum Alexandrum,[2] filium d'ni Willelmi de Percy de Kyldale, ex altera, exulassent super quibusdam articulis infra notatis, reformata sunt præfata et pacificata, adquiescentibus partibus, in hunc modum ;—Inprimis :—Cum altercatio mota inter partes fuisset super fossione et radicatione arborum et bruarii in mora quadam quæ se extendit a parte orientali a rivulo de Sourgryff a Katewik quamdiu dictus torrens procedere[3] videtur in austrum, et sic usque ad quendam collem juxta vicinia extremæ partis australis dicti rivuli, et sic usque ad quandam crucem quæ nominatur Crux Johannis, et usque quendam fontem, et sic per viam quæ ducit in aquilonem usque ulteriores domos de Uglardby.

1^{mus} Articulus. Videlicet, quod Abbas, pro se et Monasterio suo et grangi[i]s de Stakesby et Whitbilathis infradictis, pro sustentatione dictorum locorum in focali, fodeant turbas et eradicent bruerium quandocunque et quocunque placuerint, sine impedimento dicti Alexandri vel hær. suorum, imperpetuum. Et præd. Alexander in moris de Steynsiker et Hakysgarthe fodeat et eradicet ad opus suum proprium, et non ad opus tenentium suorum, nec in Sneton nec in Katedykes, si

[1] Thomas de Matton, 130$\frac{4}{5}$-1322.

[2] See No. 20, note.

[3] *procedi.*

placuerit, quum valuerit, quum voluerit,[1] sine impedimento Abbatis aut suorum, ad necessarium sui Manerii in Sneton tantum:—et sic pacificatus est primus articulus.

11[dus] ARTICULUS. Cum dictus Abbas inclusisset circiter octo vel novem acras terræ[2] in australi parte de Rethrig, calumpniatus est dictus Alexander dictum clausum hominibus suis de Katedykys nimis esse nocivum, præsertim cum fugationem sive minationem vel reminationem ad pasturam suam necessariam, prætextu dicti clausi, habere non valebant:—Tandem Abbas, perpendens hanc calumpniam ex malitiæ radice pervenire, pro bono pacis concessit ut chaciam et rechaciam[3] juxta dictum clausum d . . .[4] tenentium esset multum inportunum optinerent quod quædam consideratio loci situ, pacificatus est isto modo.

TERTIUS ARTICULUS. Item cum in una Indentura inter Abbatem et antecessores dicti Alexandri habetur quod præd. antec. et pro se et hær. suis concesserunt Abbati et (134[b]) Conventui dimidiam marcam per annum pro tota terra a Scalmeryg usque Katewike in longitudine, et in latitudine a veteri fossato t'ræ arabilis de Sneton, qui latus dubicatur usque Rethryg in latitudine,[5] simul cum affixione stagni molendini sui aquatici inter Sethelhil et Rethrig, tandem malitia prævalente, præd. molendinum aquaticum exstirpantes et dissipantes gratis, et molendinum aurarium fabricantes,[6] dictam firmam dimidiæ

[1] The sentence stands thus in A. [2] *fere.*

[3] *recharíam.* There are various scribal errors throughout this document, and in more places than one the text is so corrupt that it is almost impossible even to surmise what the true reading ought to be.

[4] It is not possible to determine what the reading here is intended to be. The *d* at the beginning is clear, and so is the contraction for *us* final at the end. Intermediate between these are four strokes which might stand for *mu, um, nm, mn, niu*, etc.; while besides this it is impossible to guess at either the construction or the sense of the words which follow as far as "loci situ." Charlton englishes it in a haphazard sort of way by "that the lord of these tenants should have a way for egress and regress on the side of the said close, for which he was very importunate; and on that consideration, the situation of the place being dispensed with, this article was settled." (! !)

[5] This clause again is quite unintelligible, nor can one offer any suggestion of even a possible explanation or restoration.

[6] Charlton construes this by "erecting a gold-mill in its stead," adding

marcæ penitus subtraxerunt per annos octo vel circiter, tandem humiliter supplicarunt ut dictum molendinum in loco pristino reficere possent, et dictam firmam, prout justum erat, solverent imperpetuum:—quod eis concessum est, et areragia condonantur, ita ut ad f. S. Martini in hyeme, A. D. mill° ccc sexto decimo dictam firmam integraliter exiberent.

QUARTUS ARTICULUS. Cum sæpe homines dicti Alexandri facientes le Horngarth plus quam necesse esset de nemore Abbatis accipere soliti sunt, et residuum sive superfluum in villa vendere solebant, et inde ad attachiamenta [1] citari et amerciari, sic quievit ut dicti homines liberationem sibi a ministris Abbatis gratis accipientes, plus nec minus petentes.[2] Et si defectus in factura dicti Horngarth occasione minus liberati inveniretur, non eis imputaretur, sed talis defectus, si defectus esset, noster erit et non illorum. Sed cum tertium diem in quo dictus Horngarth fieret sæpe vendicarent, aliter non

afterwards (p. 243):—"Among all the particulars contained in the aforegoing articles, nothing to me appears so extraordinary as the building a gold-mill in that desert place where Rigg-mill now stands, the use and design of which it is difficult for us to understand. Whether some doting monk, pretending to more knowledge than the rest of mankind, deluded Sir Alexander with a notion that he had found out the philosopher's stone, and understood the art of extracting gold from some particular metal or mineral; or whether this mill was intended for the making of leaf-gold, an invention that had been discovered only about forty years before, I leave the curious to judge:—But whatever was their intention, the scheme, it seems, miscarried, and a great deal of money was wasted, little to the profit or advantage of Sir Alexander." The last sentence is peculiarly characteristic of the author, as is also the note appended, there being precisely the same amount of foundation for the one as for the other. The note is—"There is a particular kind of grey stone found in some parts of our moor, which, being fluxed, a kind of yellow metal, very much resembling gold, is extracted therefrom; and possibly some curious monk, who was not altogether unacquainted with Alchymy, after making this discovery, might think he could transmute this metal into real gold." The date of the book is 1779, and it is marvellous that an author living then, a shrewd man of business and of considerable intelligence, should bring himself to believe in the grey stone, in the unnamed "kind of yellow metal, very much resembling gold," extracted from it, and found the whole romance on no more substantial foundation than his own marvellous blunder between the Latin words for a windmill and a gold-mill.

[1] *atthaciamenta.*

[2] The construction here is altogether defective. Probably by reading *accipiant* for *accipientes* the necessary emendation would be made.

est eis responsum nisi quod legitime fuerint præmuniti, licet vigilia Assensionis Dominicæ, in qua fieri deberet, postulaverint:[1] cum aliter factum fuerit, eo quod aliquando dies S. Johannis de Beverlaco, dies feriatus, dicta vigilia evenerit, in qua factus non fuerit.

QUINTUS ARTICULUS. Cum dictus Alexander quandam libertatem vendendi et emendi in villa de Whitby, absque theloneo, jure hæreditario vendicasset, et non solum sibi sed etiam hominibus suis, tandem hæc controversia sic est sopita :—quod Abbas concessit ei quod ipse fieri faciat unam mensuram sive unum modum veræ capacitatis, et afferat illud ad ballivum suum, qui dictum modum (135) signet signo Abbatis—Illud probatum et approbatum:[2] quem modum idem Alexander turnis committat custodiendum. Et si bladum super terram suam de manerio de Sneton provenientem vendere contigerit, theloneum seu consuetudinem non dabit; aut si pro sustentatione sui et manerii emerit in portu, similiter. Sed si aliunde emptum ibidem venderit, aut ibidem emptum aliunde vendiderit, non erit liber a consuetudine prædicta. Eodem modo tenentes sui de Sneton, si ibidem emerint causa sustentationis suæ, per dictum modum mensure[t]ur, et theloneum non dabunt. Si autem alibi vendiderint aut vendidisse convicti fuerint, aut alibi quam de satis propriis ad manerium de Sneton pertinentibus, aut provenientibus, emerint, et ad Whiteby venale perduxerint;—in

[1] Again an insuperable difficulty as the passage stands. The intended sense most likely is that, whereas the homagers of the lord of Sneton frequently demanded as a right a three days summons (or "warning," in the local phrase) before making up their portion of the horngarth, no other reply was vouchsafed to them than that they were legally warned although not formally summoned before Ascension Eve, or the very day on which the horngarth service had to be executed; that if ever a different practice had been pursued, it had only been on the special occasion originating in the coincidence of St. John of Beverley's day with Ascension Eve, which day being a holiday the horngarth could not then be made. The construction is altogether and strangely elliptical, and *postulaverint* is mistakenly used for some other verb equivalent to the *præmuniti fuerint* of the preceding line. Perhaps *postulati fuerint* may have been intended. It would not be worse Latin than much of the staple of the deed.

[2] This may have been the legend on the said seal or stamp of the Abbot; or the words may simply denote the formal meaning of the impression of such seal or stamp.

hiis casibus liberi non erunt, sed theloneum sicut alii de provincia persolvent. Cum autem de animalibus hominum de Sneton in dicta villa de Sneton venditis fieri postulassent, huic dictus Abbas non adquievit.

SEXTUS ARTICULUS. Petiitque idem Alexander, pro se et hominibus suis, quod filicem in partibus de Yburn, et in ejus latere, metere possent absque invadiatione, quod quidem nec fuit vetitum nec concessum eis, sed secundum quod se gererent patiendos,[1] utpote, si bene paterentur, sin alias, aliter.

SEPTIMUS ARTICULUS. Petit idem Alexander fidelitatem sive servitium debitum ab Abbate pro quibusdam terris in campo de Sneton:—[cum vero responderemus nos][2] nullas terras de collatione antecessorum suorum nisi puratas et quietas consecutos, non credenti scripta nostra protulimus. Ipsi autem super aliqua particula hæsitantes, ut monumenta quærentes et inventa exhibentes, taliter satisfaceremus[3]—quod quidem difficile erat tam cito monumenta singula invenire, usque alias dilatum est.

OCTAVUS ARTICULUS. Cum semper forestarii nostri messonarium dicti Alexandri, sive nemorum suorum custodem, arcum et sagittas deferre prohiberent, ipsas ac sæpe auferentes, aliquando atthachiantes ipsum, non debere dici Forestarium sed Wodwarde asserentes;—tandem sic conquievit.

[1] The sense is apparent although the Latin is sufficiently halting. The permission was to depend upon their good conduct; if they behaved themselves they might have the brackens without fine: if otherwise, not.

[2] The words within the brackets have been marked out with ink and are nearly undecipherable. The deleting ink is of a peculiar tint, and it is by no means apparent either when or why such deletion was attempted.

[3] This entire sentence again is so corrupt that emendation is very difficult. *Hæsitanti*, however, instead of *hæsitantes*, to agree with *ipsi* and governed by *satisfaceremus*, seems fairly obvious, and taking *ut* as substituted for *cum*, the sense probably intended may be extracted. Charlton's rendering is—"To which it was answered, that we had received no lands from the liberality of his ancestors but what were free and clear from every service. On their not allowing this we produced our charters, but they, scrupling some particulars, and finding fault with these records as the inventions of our own brains, we gave them for answer that every single record was not so easily to be met with, so this matter was postponed to another time;" the note being—"Probably the Abbot's book was shewed to Sir Alexander, in which copies of all their Charters were contained"—a surmise as far wide of the truth as any of those which precede it.

CCCLXXXI. Inquisitio facta per Fratrem Johannem Reyd de terris pertinentibus Abbati et Conventui de Whitby in Skirtenbek A. D. m° cccc° xlvi°.

Memorandum quod sunt in Skyrtinbeke xiiii bovatæ t'ræ de feodo Abbatis de Whitby, quarum[1] bovatarum duæ jacent juxta villam de Pontebelli, et quatuor aliæ bov. jacent per ii seliones insimul, juxta t'ras dominicas domini de Skirtinbek, ex parte solis, præter forlangas quarum duæ seliones sunt simul adunatæ [in] una selione. Item sunt viii bovatæ t'ræ jacentes in flattes in campo dictæ villæ, quarum prima jacet in Northfeld super Wolfhow, quæ continet xxii acras t'ræ; et in Northfeld a flat vocata "Audlohow in ye bothum," quæ continet iii acras t'ræ; et in eodem bothum a flat vocata "Semperbrygge," quæ continet iii acras t'ræ; et in eodem bothum a flat vocata "Angrum-flatt," quæ continet i acram et dimidiam; et in eodem bothum aliud[2] flat vocatum "Angrum flat," quod[2] continet i acram et dimidiam; et in eodem flatt, a flatt vocatum "Agan sevys" quod continet iiii acras et dimidiam; et in eodem quædam pars vocata "Bylbrek," per æstimationem iii acr' et dimid'. In campo australi a flatt vocata "Blaland flat"[3] quæ continet xvi acras t'ræ et dimidiam; in eodem campo a flat[4] quæ jacet juxta hostium domus elimosinariæ Monasterii S. Mariæ Ebor., quæ continet unam acram t'ræ; et in eodem a flat vocata "ye Stok-flat," quæ continet viii acras et dimid. t'ræ; et in eodem campo a flat vocata "Lynghowflat," quæ continet v acras t'ræ; et in eodem aliud flatt vocatum "Lynghowflatt" quod continet ii acras t'ræ.

In campo occidentali ejusdem villæ, a flatt vocata "Undyr-stanhow" quæ continet iii acras t'ræ; et in eodem a flatt vocata

[1] *quorum.*

[2] These are not the only instances in which the word "flat" in the present document is made to be of the neuter gender.

[3] *Blaland* is a local field name of no unusual occurrence. The meaning is not obvious, any more than in the case of another like name frequently occurring, viz., Ovenam or Ofnam.

[4] "*Flat* . . . Any very smooth, level place. Anciently, a field."—*Halliwell.* A word of continual occurrence in old times in this district; and "Bannial Flats," the name of a farm near Whitby, preserves the word to the present day.

"Okflat," super ripam de Derwent, quæ continet ii acras t'ræ; et in eodem a flatt vocata "Escheflat" quæ continet viii acras t'ræ; et in eodem a flatt vocata "Mykylcarflatt," quæ continet vii acras t'ræ; et in eodem a flatt vocata "Korngarthflatt," quæ jacet north et suyth, et continet iii acras t'ræ et dimidiam; et juxta illam, buttying opon ye ende, aliud a flatt quod continet iii acras t'ræ, quod jacet est and west.

In eadem villa x carucatæ faciunt feodum militis, et octo bovatæ, vel x bovatæ,[1] faciunt carucatam t'ræ, et xii acræ faciunt unam bovatam terræ.

Et in eadem villa unum toftum, jacens ex parte boriali inter stangnum Monasterii S. Agathæ, ex parte orientali, et quoddam toftum D'ni Comitis Sar' ex parte occidentali.

Et in eadem villa aliud toftum cum crofto, quod continet dimidiam acram terræ, jacens ex parte australi inter croftum Presbiteri, ex parte orientali, et toftum D'ni Comitis Sar' ex parte occidentali.

Et in eadem villa unum messuagium, cum tribus cotagiis et gardinis, cum ædificiis, juxta mansionem Rectoris ejusdem villæ.

CCCLXXXII. (No heading.)

Pro evidentia sex solidorum annuatim solvendorum Abbati et Monasterio de Whitby de Abbate et Conv. Monasterii Ryewallis:—Est sciendum quod, A. D. mcix, Willelmus de Percey, primus Abbas de Whitby, compatiens viro bono et justo, leproso tamen, Orme nomine, fundans hospitale ad pontem de Spityllbrygd[2] nunc vocatum, dans eidem hospitali terram nemorosam et spinosam eidem adjacentem, et, qualibet septimana, vii panes et vii lagenas servisiæ in ebdomada, et qualibet die unum ferculum carnium vel pissium, secundum convenientiam dietæ, etiam post modum unum ferculum de refectorio cum pane et servisia usitatis. Postmodum Galfridus Mansellus, monachus de Whitby, leprosus reputatus, optinuit prædictum hospitale, in quo remansit usque in diem obitus sui. Post quem Galfridum tam sani quam infirmi pauperes aliquando ibidem manserunt. Quo tempore quidam monachus de Whitby,

[1] The alternative reckoning of either 8 or 10 bovates to the carucate is worth noting. See No. 203, note 4.

[2] See No. 572.

nomine Robertus de Alneto, Magister dicti hospitalis, petiit a præfato Willelmo Abbate duas bovatas t'ræ in Honentuna, cum uno tofto quas Gundrea Mwbra, postea uxor Nigelli de Albini, dedit S. Petro et S. Hyldæ de Whitby, et mon. Deo ibi serventibus, in elem. perp., pro a. viri sui, et pro Rogero Mowbray, filio eorum, et pro se ipsa: qua[s] duas bovatas t'ræ, cum tofto, nunc pro tempore Monachi Riewallis tenent de Abbate et Conv. de Whitby, et tenuerunt a tempore bonæ memoriæ Aelredi, Abbatis Riewallis; qui etiam Abbas Aelredus concessit fratribus dicti hospitalis quod annuatim recipere[nt] vetera vestimenta confratrum suorum, et quod in festo S. Martini annuatim mitterentur. Et quia Abbas et Conv. Monasterii Riewallis erant domini et possessores præfatæ villæ de Honeton, ideo optabant tenere de Abbate et Conv. de Whitby præfatas illas duas bovatas t'ræ, cum tofto, pro sex solidis annuatim solvendis Monasterio de Whitby. Deinde, ex speciali et spirituali amicitia inter professores Monasterii de Whitby et Monasterii Riewallis, Abbas Monasterii et Conv. de Whitby locaverunt Abbati et Conv. Riewallis diversas t'ras in villa de Catona, tenendas de eisdem in[1] feodo et firma perpetua pro tribusdecim[2] sol., et x den. annuatim solvendis, pro quibus terris Abbas Riewallis, quilibet pro tempore suo, tenetur facere fidelitatem Abbati de Whitby, et quibus etiam terris vexabantur Fratres Monasterii Riewallis Willelmo Nesfelld, existente eschetore, et Monasterio Riewallis vacante per mortem tunc Abbatis, per inquisitionem improvidam de prædictis terris Fratres Riewallenses fuerunt deserti et prædictæ t'ræ confiscatæ in manu[m] D'ni Regis, ut patet in rotulis Schaccarii D'ni Regis [ubi,[3] inter alia continentur quod quidem per inquisitionem de mandato Regis postmodum captam, et in Cancellaria D'ni Regis][4] rotolatam,[5] est compertum quod t'ræ et tenem'ta præd. tenentur de Abbate de Whitby per servitium xiii solid. et x den. per annum, et a tempore quo non extat memoria teneba[n]tur, et non de feodis quæ fuerunt Comitis Albemarliæ, et per quod breve Rex mandavit baronibus quod ipsum Abbatem de Riewalle de exitibus t'rarum et tenementorum eorundem a tempore captionis eorundem, et de

[1] *cum.* [2] *tresdecim.* [3] *uibi.*

[4] The sentence between the brackets is omitted in the copy and supplied at the foot of the folio. [5] *rotolatum.*

compoto de eisdem reddendo ad scaccarium, exonerari et quietum esse faciant. Item præd. Abbas et Conv. de Whitby dimiserunt G[uarino][1] Abbati et Conv. de Riewalle illam dimidiam toftam[2] quam Willelmus Cordarius filius Lesingi de Ecclesia de Whitby tenuit in Fischergat, tenendam de Eccl. de Whitby in perpetuum pro xiiii den. annuatim inde solvendis Abbati de Whitby vel ejus ballivo apud Fischergat, etc.

CCCLXXXIII. Riewallis.

Omnibus S. M. Eccl. filiis, præs. et fut., Rogerus Abbas et Conv. Riewallis, salutem. Noverit univ. v. quod in A. Gr. m^l ducentesimo vicesimo septimo. [*etc., as in No.* 153].

On F. 137 are the following entries :—

Omni mense tres celdr' frumenti quæ crescunt in tribusdecim[3] septimanis ad summam xxxix quarter' admittamus.

Omni mense xxxiiii quart' brasei xiii septimanis iiii$^{x[x]}$ i quart' quæ crescunt ad summam per annum . . . xvi$^{x[x]}$ quart' iiii quart'.

Then in the same late hand (Gascoigne's ?) in which many notes of date, etc., are added.

Turne to the beginninge of the Booke where you shall finde vi leaves left unfigurd, and therefore after these figures heare 137, I continue 138, 139 ; 140 : 141. 142 : 143. and then the figure of 1 : 2 : 3, etc.

137^b *blank.*

The leaves that would be numbered—

138 *plain parchment, blank.*

139 *parchment ruled, blank.*

Then follow twenty-three leaves of paper, of which the first ten are written on ; as also the last but one on the reverse, but turned upside down.

CCCLXXXIV.[4]

Dotata est Ecclesia Monasterialis de Whitby ex dono Willelmi Ruffi filii Willelmi Bastardi, Regis Anglorum, in Eboraco First leaf of paper.

[1] See No. 255. [2] *tofto.* [3] *tresdecim.*

[4] This is merely a copy of the York donations to Whitby as given in the Memorial, pp. 5, 6. The copy is fairly, but not entirely, accurate.

—Ecclesiam Omn. Sanct. de Fischergate, cum omnibus pert. suis, quam dederat Serloni Priori et Mon'io de Whitby in elemosinam perpetuam.[1] Ex dono Domini Gernegote [*etc., as in the Memorial*, pp. 5, 6].

CCCLXXXV. (No heading.)

Henricus,[2] Rex Angliæ et Dux Normanniæ et Aquitaniæ, et Comes Andegaviæ, Archiep'is, Ep'is, Abb., Prior., Com., Baron., Justic., Vicecom., Ministris, Præpositis et omnibus fidelibus suis, Francis et Anglis, salutem. Sciatis me concess. et conf. regia auctoritate Deo et Ecclesiæ S. P. et S. Hildæ de Whitby, et Abbati monachisque ibi Deo serv., omnibusque hominibus eidem Eccl. pertinentibus, omnes libertates et consuetudines quas habet Eccl. S. Johannis de Beverlaia et Eccl. S. Wilfridi de Ripun in terris et hominibus suis. Et præterea[3] concedo et confirmo præd. Eccl. de Whitby in Ebor. eccl. Omn. Sanctorum de Fischergate, cum pert. suis; et omnes terras et homines in eadem civitate[4] Eccl. S. P. et S. Hildæ de Whitby pertinentes, cum soca et saca, et tol et theam, et infangnethef, et cum omnibus libertatibus et consuetudinibus quas habent t'ræ et homines S. Petri et S. Cutberti in eadem civitate consistentes, in dominium suum.

CCCLXXXVI. (No title.)

Omnibus hoc scriptum visuris vel audituris Robertus, D. G. Abbas de Whitby, et ejusdem loci Conventus, salutem in Domino. Noverit univ. [*etc., as in No.* 294.][5]

CCCLXXXVII. (No title.)

Hæc indentura testatur quod [cum] Abbas et Conv. de Melsa habeant et teneant de Abbate et Conv. de Whitby unum

[1] There is here an omission, the special "pactio" named in the Memorial after the statement of the gift not being noted.

[2] This confirmation, so far as it goes, does not coincide with any contained in either A. or M., nor with any noted in the various confirmations printed below (Nos. 581, 583, etc.). It may be a confirmation by Henry III.

[3] *preteria.*

[4] *in eandem ciuitatem.*

[5] At the end of this copy of No. 294 is found the following note in a later hand:—"By this ouer euydence it appeareth this saide close langeth to the Abbot of Whitby, and nogh'"

messuagium, cum pertinentiis, jacens in suburbio Civitatis Ebor. in vico vocato Fischergate juxta ecclesiam Omn. Sanctorum [*etc., as in No.* 293].

CCCLXXXVIII. (No title.)

Notum sit omnibus ad quos hoc scriptum pervenerit, præs. et fut., ita convenisse inter P[etrum] Abbatem et Conv. de Whitby, et G[uarinum] Abbatem et Conv. de Rivalle—scilicet quod præd. P[etrus] Abbas [*etc., as in No.* 255].

CCCLXXXIX.

Omn. fidelibus S. M. Eccl. filiis, Rodbertus de Perci filius Picott, salutem. Sciatis me dedisse et concessisse Deo et Ecclesiæ S. P. et S. Hildæ de Whitby [*etc., as in No.* 67].

CCCXC.

Omn. Christi fidelibus ad quos pr. scr. pervenerit, Nos, Willelmus [de] Eyvesham', Abbas Monasterii SS. Petri et Hildæ de Wythby, Ordinis S. Benedicti, Ebor dioceseos [*etc., as in next deed*].

CCCXCI.[1]

Omn. Christi fidelibus ad quos pr. scr. pervenerit, Nos, Willelmus Eyvsham,[2] Abbas Monasterii SS. P. et Hildæ de Whytby, Ordinis S. Benedicti, Ebor' dioceseos, et ejusdem loci Conv., s. in Domino. Noveritis nos, nostris communi et unanimi consensu et assensu, pro nobis et succ. nostris, dedisse et concessisse dilecto nobis in Christo, Johanni de Monte Valore, quandam annualem pensionem quinque marcarum bonæ et legalis monetæ Angliæ, habendam, tenendam et percipiendam eidem Johanni de Monte Valore de nobis et succ. nostris

[1] This is the same deed as its predecessor, which, having been written incorrectly in two or three particulars, appears to have been recopied.

[2] William de Evesham, who died in 1505. His predecessor, John Lovel, appears to have died in 1501. This pension then was granted upon Abbot William's induction into his new dignity. Some similar instances will be found in the Appendix.

annuatim, quousque idem Johannes de Monte Valore promotus fuerit ad aliquod beneficium ecclesiasticum competens, ad duos anni terminos—viz. ad f. Annuntiationis B. Mariæ ante datum præsentium, et ad f. S. Michaelis proxime futurum, per æquales portiones. In cujus rei test. sig. nostrum commune partibus apposuimus. Datum in domo nostra Capitulari, Anno Christianæ Religionis millesimo quingentesimo ii°, et anno regni serenissimi Regis Henrici Septimi xviii°, 2ª die mensis Septembris.

CCCXCII.

Omn. Christi fidelibus ad quos scr. pr. pervenerit, Nos, Johannes Benestede,[1] Abbas Mon'ii SS. P. et Hildæ de Whitby, Ordinis S. Benedicti, Ebor. dioc., et ejusdem loci Conv. s. in Domino sempiternam. Noveritis nos, nostris communi et unanimi consensu et assensu, pro nobis et succ. nostris, dedisse et concessise dilecto nobis Johanni Staineton, Custodi domus Regiæ apud Richmont', vocatæ Wardrobe, quendam annualem redditum xl solidorum bonæ et legalis monetæ Angliæ, ad instantiam tantum serenissimi illustrissimique Principis nostri, Henrici Septimi, habendum, tenendum et percipiendum eidem Johanni Staineton de nobis et succ. nostris annuatim, durante termino vitæ ejus tantum, ad duos anni terminos—viz. ad f. Sancti M. post datum præsentium, et ad f. Pent. proxime futurum, per æquales portiones. In cujus rei test. sig. nostrum commune apposuimus. Datum in domo nostra Capitulari, Anno Salutis m°cccccviii°, et anno regni inclitissimi Regis Henrici Septimi, xxiii°, viii° die mensis Novembris.

CCCXCIII.

Omn. Christi fidelibus ad quos pr. scr. pervenerit, Nos, Thomas Bydnell',[2] Abbas Mon'ii SS. P. et Hildæ de [Whitby] Ordinis S. Benedicti, Ebor. dioc., et ejusdem loci Conv., s. in

[1] John Benestede died in 1514, his predecessor (Will. de Evesham) having deceased in 1505. From the date of the present deed it may be inferred that some delay had occurred in completing the arrangements for Benestede's promotion and induction.

[2] Thomas Bydnell died in 1516, having succeeded John Benestede, who died in 1514.

Domino. Noveritis nos, nostris communi et unanimi consensu et assensu, pro nobis et succ. nostris, dedisse et concessisse dilecto nobis in Christo, Ricardo Pigot, quandam annualem pensionem quinque marcarum bonæ et legalis monetæ Angliæ, habendam et tenendam et percipiendam, ratione novæ creationis Abbatis Mon'ii nostri, eidem Ricardo Pigot de nobis et succ. nostris annuatim, quousque idem Ricardus Pigot per nos aut successores nostros promotus fuerit ad aliquod beneficium ecclesiasticum competens, ad duos anni terminos—viz. ad f. Annuntiationis B. Mariæ Virginis et S. Michaelis Archangeli, per æquales portiones, primo termino solutionis hujusdam an[n]uæ pensionis incipiente in f. Annuntiationis B. Mariæ Virginis proxime futuro post datum præsentium. In cujus rei test. sigillum nostrum commune apposuimus. Datum in domo nostra Capitulari, A. D. m^{lo} quingentesimo quarto decimo, xviii^{o} die mensis Decembris.

CCCXCIV.

Omn. C[h]risti fidelibus ad quos pr. scr. perv., Thomas,[1] Abbas et Conv. Mon'ii SS. P. et Hyldæ de Whitby, Ebor. dioc., veri et indubitati patroni ecclesiæ parochialis de Slengisby, et vicariæ ecclesiæ parochialis de Semar dictæ Ebor. dioceseos, s. in Domino. Noveritis nos, unanimi consensu et assensu nostris, dedisse et conc., ac hoc præsenti scripto conf. dilectis nobis in Christo, M'ro Briano Darlay, S. T. P. et Georgio Evers, notario publico, advocationem et jus patronatus ecclesiæ parochialis de Slengisby et vicariæ ecclesiæ de Semar predictarum, pro unica et proxima vice tantum qua vacare contigerint, habendum et tenendum sibi et assignatis suis:—Ita quod bene licebit eisdem Briano et Georgio conjunctim, seu eorum uni per se divisim, aut assignatis suis, ad dictam ecclesiam de Slengisby vel vicariam de Semar prædictis, pro una et proxima vice tantum, personam idoneam loci Ordinario præsentare cum effectu, absque reclamatione vel contradictione nostris, vel successorum nostrorum: Proviso omnino quod quum[2] citius aliqua

[1] Thomas Bydnell; *ob.* 1516.

[2] It is not certain that this reading is right, but the intent is fairly apparent.

persona ad præsentationem ipsorum M'rorum Briani et Georgii, seu assignatorum suorum, ad unam vel dictæ ecclesiæ vel vicariæ, auctoritate ordinaria, rite sit admissa, instituta et inducta cum istius extinctione hujusmodi[1] concessio nullius sit penitus vigoris aut momenti, sed omnino sit vacua, nulla et invalida. In cujus rei test. sig. nostrum commune partibus est appensum. Datum in domo nostro Capitulari, xiii° die mensis Junii, A. D. millesimo quingentesimo xv°, et regni Regis Henrici Octavi septimo.

CCCXCV. Bulla Gregorii Papæ ix[2] de confirmatione ecclesiæ de Crossby.

Gregorius Ep'us, servus servorum Dei, dilectis filiis, Abbati et Conv. Mon'ii de Witebi, ordinis B. Benedicti, Ebor. dioceseos, s. et apostolicam benedictionem. Cum a nobis petitur quod justum est et honestum, tam vigor æquitatis quam ordo exigit rationis ut id per sollicitudinem officii nostri ad debitum perducatur effectum. Eapropter, dilecti in Domino filii, vestris justis postulationibus grato concurrentes assensu, personas vestras et Mon'ium de Witebi, in quo divino vacatis obsequio, cum omnibus bonis quæ impræsentiarum rationabiliter possidet, aut in futurum justis modis, præstante Domino, poterit adipisci, sub B. Petri et nostra protectione suscipimus. Specialiter autem libertates et immunitates sæcularium exactionum a Regibus et nobilibus Angliæ vobis pia liberalitate concessas, necnon terras, possessiones et alia bona quæ vos proponitis ex concessione Willelmi dicti Frances, et aliorum Christi fidelium, canonice assecutos; ecclesiam quoque de Crosseby[3] quam venerabilis frater noster, Karleolensis Ep'us, spectantem ad ipsum, annua portione septem marcarum et dimidiæ, Sterlingorum, perpetuo Vicario qui pro tempore in eadem servet, ad sustentationem (p. 7) suam et subeunda ejusdem ecclesiæ onera, de ipsius proventibus deputata, Capituli sui accidente consensu ipsi Monasterio in usus proprios retinendam, pia et provida liberalitate concessit; sicut ea omnia juste ac pacifice obtinetis vobis et eidem Monasterio per vos auctoritate apostolica con-

[1] The contractions here are so uncertain, and the writing so careless, that it is impossible to assume that the reading given is correct.
[2] 1227-41.
[3] *Crasseby.*

firmamus et præsentis scripti patrocinio communimus. Nulli ergo omnino hominum liceat hanc paginam nostræ protectionis et confirmationis infringere, vel ei ausu temerario contraire. Si quis autem hoc attemptare presumserit indignationem Omnipotentis Dei et Beatorum Petri et Pauli, Apostolorum ejus, se noverit incursurum. Datum Interamni,[1] xiii kalendas Julii, Pontificatus nostri anno decimo.

CCCXCVI. BULLA HONORII PAPÆ III DE CONFIRMATIONE ECCLESIÆ DE CROSBY.

Honorius Ep'us, servus servorum Dei, dilectis filiis, Abbati et Conv. Mon'ii de Witebi, s. et apostolicam benedictionem. Justis petent[i]um desideriis dignum est nos facilem præbere consensum, [*etc., as in No.* 328.]

CCCXCVII. COMPOSITIO INTER ABBATEM DE WITEBY ET ABBATEM DE HEPE, ALITER SCHAPE, PRO DECIMIS REVEGILE GRANGIÆ.

Universis S. M. Eccl. filiis ad quos pr. scr. pervenerit, M[ichael] Prior de Gysburne et W. . . . Cantor ejusdem loci [*etc., as in No.* 274.]

CCCXCVIII. ORDINATIO WILLELMI KARLEOL' EPISCOPI.

Omn. Christi fidelibus pr. litteras inspecturis vel audituris, W[alterus], miseratione Divina Ka[r]l' Ecclesiæ minister humilis, salutem in Domino. Ne ea quæ ad pacem perpetuam et tranquillitatem (p. 9) Religiosorum proinde [*etc, as printed in No.* 313, *pp.* 262, 263.]

CCCXCIX. DIVISÆ[2] FORESTÆ DE PYKERYNG.

Divisæ quæ circumdant Forestam de Pykeryng—videl. de ponte de How[3] in longum de Rye usque ad locum ubi Sivona

[1] *Interanni.*

[2] *Devyse.*

[3] The boundary given here is of very great interest in many ways, speaking generally; but there is one point of view from which it is of special interest to the readers of the present volume, and from that point of view—I mean that over nearly one half of its extent the boundary described is identical with that of Whitby Liberty—some notice of the line described is

cadit in Rie, et inde in longum de Sivona usque ad locum ubi

at once seen to be more than justifiable. The first part of the boundary in question, or from Howe Bridge along the Rye to the influx of the Seven, and thence to the source of the stream so named, is easily traced on any moderately good map. From the said source to Ralph Cross is but a short step, of under a mile. Crux Radulphi is specially named in several of the Gyseburne deeds as one among the bounder-marks serviceable in marking off certain grants by the house of de Brus to the Priory, and it is still standing, and the existing or modern boundary takes a fairly direct course to the next mere or bounder. In the document before us this is designated as West Shoner Howes, a name not recognisable now, but beyond question identifiable as the howes near White Cross in the Ordnance Survey. Lowsohowes is the modern Loose Howe; Willelmi howes is represented by William Hill in the boundary between Danby and Rosedale as it existed up to a quite recent private arrangement between the lords of these adjoining manors, and in what is practically the existing boundary of Cleveland. Est Shonerhowes is Shunner Howe on the map, and in the mouths of gamekeepers and the country folk; and from thence the Wheeldale gill and beck are speedily reached. The course of the Mirk Esk from this point is sufficiently obvious as a boundary; but a considerable difficulty presents itself in connection with the clause, "et in longum Myrke Eske usque ad locum ubi Mirk Esk cadit in Esk, et in longum Esk usque ad locum ubi Lithebeck cadit in Eske et inde ascendendo per furcam de Lythebecke versus aquilonem, usque," etc. For Lithbeck falls into the Mirk Esk, not into the Esk itself, and the united streams flow into the Esk; neither is there any "furca de Lythebecke." There is no way in which the delineation of this part of the boundary can be made intelligible. The only supposition is that the scribe blundered his copy unmercifully, and that he meant to say the boundary which, at the point where Lithebeck falls into the Mirk Esk—only a few dozen yards from Grosmont Church—becomes also the boundary of Whitby Liberty, after proceeding to the Esk returns again to the point at which Lithebeck falls into Mirk Esk, and, making a fork there with its former course, proceeds thence to Calverleygate, and so, forward. Now here, reference may be made to the boundary as given in the Percy Charters, and divers royal and other confirmations (see Nos. 27—the second so numbered—186, 190, etc.), only premising that the course of boundary described in the present document is in the direction opposite to that taken in the documents just cited. In the latter we go from Lithebeck back to Sylehow; in the present case from Lithebeck to Calverleygate, thence along below the brae to the Mickle Stone (possibly connected with what are now called the Bride Stones), and thence in like manner—that is, along below the brae—to Sillhowes. In the Whitby boundary, again, it is back from Sylehow to Scograineshowes; in the document before us, the course is from Sillhowes to Forsterhowes—now Foster Howes—and thence to Scotgranehowes (see Note 23 to No. 27—second so numbered), Fosterhowes not being named in the Whitby line. From Scotgranehowes to Lillehowes, in the Whitby deeds Lillacros or Lillehowcros, and from thence, in both alike, to the source of the Derwent. Then along the

Sivona erumpit, et inde ad Crucem Radulfi,[1] et inde ad West Shonerhowes,[2] et inde ad Lowsohowes,[3] et inde usque ad Willelmi howes,[4] et usque ad Est Shonerhowes,[5] et inde usque ad rivolum de Wheledale, et inde per dictum rivolum usque ad locum ubi dictus rivolus cadit in Mirke Eske, et in longum Myrke Eske usque ad locum ubi Mirk Eske cadit in Esk, et in longum Eske usque ad locum ubi Lithebeck cadit in Eske, et inde ascendendo[6] per furcam de Lythebecke versus aquilonem, usque extremitatem de Calverleygait; et inde sub cilio usque ad magnum lapidem, et inde similiter usque Sillhowes,[7] et inde usque Forsterhowes[8] et Scotgranehowes, et inde usque Lillehowes,[9] et inde usque ad locum ubi Derwen[t] erumpit, et inde longum Derwen[t] usque ad locum ubi Talebeke[10] cadit in Darwent, et in longum Talebeke usque ad Byngesbrigge, et inde sic per syket usque ad Veterem Fossatam de Elsycroft, et inde usque ad Grenehede, et inde usque fossatam inter moram de Suffelde et Hayam de Scalbye, et in longum per cilium usque ad Stainecrosclyffegait, et sic per cilium usque Thevisdykes,[11]

Derwent to where Talebeke joins that stream. This Talebeke is, of course, the "Tyllaybeke qui est subtus Ravenclyf juxta Manerium de Semar" of No. 376, where Ravenclyf represents the modern Raincliff, so familiar to riders or carriage parties from Scarborough through the Forge Valley and along the Raincliff woods. The "syket" then reached is no doubt marked by the "New Cut," and so on by the Vetus Fossata to Elsycroft or Elfsicroft. From this latter point (as to the site of which see notes to No. 27) the boundary proceeds to Grenehede—Gretaheved in the Whitby divisæ—and thence to the dyke between Suffield Moor and Scalby Hays, and from that point along the brae to Staincrosclyffe-gate—Staincrossgate in No. 190, etc.; and so on, still along the brae, to Thevisdykes (Theovesdiches, etc.), Capillgrave (Coppekeldbroc, etc.), Kirklaw (Kirkelac, etc.), Thornlaw (Thornelaye, etc.), and Swynstyshaw (Swinestischage, etc.). Between this mere and Greendyke the present document introduces three meres not named in the Whitby documents, viz.: Ingaldrake-sives, Hardallelde—presumably a corruption of Hardalehead, now Harwooddale-head—and Wolfpitts, and then Grenedyke is reached, and finally Blawyke. The boundary then runs away down to the south along the coast, and ceases to have any immediate connection with the interest of the present volume.

1 Now Ralph Cross.

2 Near White Cross, but not now known as Shunnor Howe.

3 Now Loose Howe.

4 Now William Hill.

5 Now Shunner Howe.

6 *Assendendo.*

7 Now Sill Howe, close by the point at which the basaltic or whinstone dyke is wrought.

8 Now Foster Howes.

9 Now Lilhowe.

10 Otherwise Tillaybeck.

11 See notes to No. 27—the second so numbered.

et usque Capillgrave,[1] et inde usque Kirklaw,[1] et inde usque Thornlaw,[1] et inde usque Swynstyshaw, et inde usque Ingaldrak-sives, et inde usque Hardallelde, et inde usque Wolfpittes, et inde usque Grenedyke, et inde usque Blawyke, et inde costeram [2] maris usque Thrusbrige, et inde usque ad ductum aquæ de Trevendrait, et in longum per dictam aquam usque ad medium marescum de Fyvelay, et inde usque Stockbrige, et inde usque Brenkholme, et inde usque ad lapidem in Stavynholme, et inde usque ad medium marescum de Haverford, et in longum de Haverforde usque Darwent, et in longum Derwent usque ad locum ubi Rie cadit in Derwent, et longum de Rye usque ad pontem de How . . . Et infra has metas Burgenses de Scarbourgh et manerium de Wallisgrave sunt de[a]fforestati, et Burgenses prædicti tenent dictum manerium per antiqua S'uretas[3] de Wallesgrave, et per cartam D'ni Henrici Regis patris D'ni Regis E[dwardi].[4]

Everie[5] year the Hornegarth service ys to be doone upon Hollie Thursday evne.

Tho. Cockrill being baylyf to the abbot did meete by sonn Rise the Conieres, the Strangwayes, the Eldringtones, and Allettson, who weere bound to this service, in the Strye-head hard by Lyttell-beck, and the said Cockrill did see every one cutt downe with a knyfe, he appoynting the wood, so muche as should serve. From thence they caym not the nearest way, but brinnginge theym upon theyr backe, went a good way before they caym in to the way. So comminge to the water at the towne end they maid the hedg which should stand three tydes, and then the officer did blow owte upon they.

[1] See notes to No. 27—the second so numbered.

[2] The reading not quite certain, but there can be little doubt that *costeram* is correct.

[3] This word is indecipherable. There is a contraction after the initial "S." Charlton construes the word "shire-division," but what that means, or how he read the word in question, are equally uncertain.

[4] Charlton writes "Richard."

[5] This is an entry, one of two, on the reverse of the fly-leaf of parchment at the commencement of A. It is in a hand as late perhaps as the end of the sixteenth or early part of the seventeenth century, and its only value rests in the testimony it bears to the fact that at the date at which it was written the Horngarth service had become little or nothing else than a mere empty or purposeless ceremony.

A CATALOGUE OF THE VOLUMES FORMING THE ABBEY LIBRARY.[1]

¶ Isidorus super Vetus Testamentum.

Item Ysidorus Ethimologickum.

Item super Summum Bonum.

¶ Ambrosius de morte fratris sui.

Item Exameron.

¶ Beda super Lucam et super Marcum.

Item de Temporibus. Item Historia gentis Anglorum. Item super Apocalipsim. Item super Parabolas Salomonis. Item super vii Epistolas Canonicas, et Actus Apostolorum.

¶ Rabanus super Mathematica.

Item Mathæus glosulatus.

Item Johannes glosulatus.

¶ Passionales mensis Novembris.[2]

Item Passionalis mensis Januarii.

¶ Josephus. Ruffinus. Effrem. Gregorius Nazanzenus. Pronosticon Juliani Episcopi. Liber Paradisus. Item Regula Johannis Cassiani. Item Decem Collationes. Diadema Monachorum. Item decreta pontificum. Pannormiæ Yvonis. Prosper de activa et contemplativa vita. Glosæ super Epistolas Pauli in ii locis. Glosæ Psalterii in ii locis. Glosæ super Cantica Canticorum. De situ Dunelmensis Ecclesiæ.

Second Column.

Liber Maimionis. Vita Cuthberti. Miracula Sanctæ Mariæ. Miracula Sancti Andreæ Apostoli. Vita Sanctæ Margaretæ et Sancti Maclovii et Sancti Brendani et Sanctæ Mariæ Magdalenæ, in uno volumine. Vita Sancti Benigni. Passio Sanctæ Katerinæ Virginis.

Item Sancti Firmini et Sanctæ Fidis Virginis. Item liber Theophili et aliorum Sanctorum in uno volumine. Item Imago mundi et Gilda in uno volumine. Item de Naturis hominum, et Ars Regni, et de lapidibus, in uno volumine. Item liber Helysci Conpotistæ. Item liber de Sermonibus, et Sententiæ Abbatis Clarevallensis in uno volumine. Item liber de Ecclesiasticis Institutis, et Micrologus de Missarum Officiis.

Item liber Guidonis monachi de Musica; et Iginus de duodecim signis in uno volumine. Item Consuetudinarum liber. Item liber Odonis et liber Tomæ de Sancta Hilda. Item Exceptiones decretorum Gratiani.

¶ Sacramenta Magistri Hugonis.

Item liber de archa Noæ.

Third column.

¶ Liber Magistri Petri Longobardi.

Super tres epistolas Pauli.

Origines super Vetus Testamentum.[3]

¶ Omeliæ Cæsarii Episcopi et Eusebii et Basilii in uno volumine.

¶ Exodus Glosulatus. Item liber Sancti Gregorii de conflictu Vitiorum et Virtutum, et Sermonum.

¶ Liber Simonis.[3]

¶ Isti sunt libri grammatici: Prudentius in ii locis. Sedulius in ii locis. Prosper Theodolus. Vita Sanctæ Mariæ Egiptiacæ in versibus. Liber aratoris. Liber Bernardi super Theodolum. Priscianus. Item de accentibus. Boecius de Trinitate. Item de Consolatione. Liber Platonis. Item Juvenalis. Statius Achileides. Tullius de Amicitia, et alius de Senectute. De Parado' Bucolicæ. Oratius. Avianus. Maximianus. Donatus. Cato. Remigius. Hugo super Donatum. Homerus. Persius. Derivationes. Natura bestiarum. Procemium Arithmeticæ et Musicæ procemium in uno volumine.

[1] This catalogue is written in apparently the same hand, and with the self-same glossy ink, as the Memorial and Nos. 2 and 3. It stands in three vertical parallel columns on the first folio in the book, numbered 138 by the person—possibly Gascoigne—who re-numbered the pages of the volume. At the bottom of the page is the following entry:—"This booke was showne unto Francis Comyn, gent., at ye time of his examination, the 10th day of May 1671, before us

"Allane Lamont. John Smith:"

and on the outer margin, longitudinally along it, is again the following:—

"This booke was showne unto Robert Buschell gentl' at ye time of his examination, 28th daye of September 1683, before us

"Ma. Phipson. C. Thomlinson."

[2] *Nouenbris.*

[3] On the margin, without the line of the third column.

ORIGINAL INDEX.[1]

[1] Written on much paler parchment than the preceding documents,—viz., the Memorial and Nos. 2 and 3,—and in a later hand the same old numerals 1, 2, 3, Ձ, ϛ, 6, ʌ, 8, 9, φ, being employed as in the old paging.

LISTS OF PERSONS AND PLACES.

ALPHABETICAL LIST OF PERSONS

PRINCIPALLY CONCERNED AS GRANTORS, ETC., IN THE DEEDS CONTAINED IN THE STRICKLAND COPY OF THE CHARTULARY.

ALPHABETICAL LIST OF PLACES

PRINCIPALLY CONCERNED IN THE DEEDS CONTAINED IN THE STRICKLAND COPY OF THE CHARTULARY.

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THOMAS AND ARCHIBALD CONSTABLE, PRINTERS TO HER MAJESTY.

THE SURTEES SOCIETY.

REPORT FOR THE YEAR MD.CCC.LXXIX.

THE SURTEES SOCIETY.

REPORT FOR THE YEAR MD.CCC.LXXIX.

SINCE the last Report was issued, the progress of the SURTEES SOCIETY has been marked by few changes, certainly by no diminution in its usefulness and prosperity. The effect of the limitation of the number of members to three hundred and fifty has been a decided gain to the Society in the acquisition of a settled income sufficient for the work to be undertaken, and in the avoidance of continual changes in the number of copies of our publications.

The Council have now resolved that no volume shall be sent to a member whose subscription is unpaid for the year to which that volume is appropriated.

Four volumes have been published since the last Report was issued. 1. An interesting volume of Yorkshire Biographies and Journals, which has attracted considerable attention. 2. The Charter-book of the Cistercian house of Newminster in Northumberland. 3. A Second Portion of the Memorials of Fountains Abbey, part of which was in print at the time of the decease of its lamented editor, Mr. Walbran. 4. The Household Books of Lord William Howard of Naworth, the 'Belted Will' of Border story, a work of great interest and historical importance. There is no lack of valuable materials at the disposal of the Society for coming years, as will be seen from the list of suggested publications. It may have to be considered before long whether it will not be better for the Society to begin a

new series of publications under the old name and upon the old lines, but with a fresh numbering and some other token of difference. The stock of the old publications in the possession of the Society is so greatly reduced that it is by no means easy, and it will soon be impossible, to supply full sets of our works to any new members who may wish to acquire them.

In Sir Walter Calverley Trevelyan the Society has lost, it may be said, one of its founders, a gentleman who for more than half a century has been a friend of scholars, and a sympathizer and helper in literary work throughout the North of England. There are now but four names upon our list of members which stood there at the foundation of the Society in 1834.

THE SURTEES SOCIETY,

ESTABLISHED IN THE YEAR 1834,

In honour of the late Robert Surtees, of Mainsforth, esquire, the author of the History of the County Palatine of Durham, and in accordance with his pursuits and plans; having for its object the publication of inedited Manuscripts, illustrative of the intellectual, the moral, the religious, and the social condition of those parts of England and Scotland, included on the east between the Humber and the Frith of Forth, and on the west between the Mersey and the Clyde, a region which constituted the ancient Kingdom of Northumbria.

NEW RULES AGREED UPON IN 1849; REVISED 1863.

I.—The Society shall consist of not more than three hundred and fifty members.

II.—There shall be a Patron of the Society, who shall be President.

III.—There shall be twenty-four Vice-Presidents, a Secretary, and Two Treasurers.

IV.—The Patron, the Vice-Presidents, the Secretary, and the Treasurers, shall form the Council, any five of whom, including the Secretary and a Treasurer, shall be a quorum competent to transact the business of the Society.

V.—The twenty-four Vice-Presidents, the Secretary, and the Treasurers shall be elected at a general meeting, to continue in office for three years, and be capable of re-election.

VI.—Any vacancies in the office of Secretary or Treasurers shall be provisionally filled up by the Council, subject to the approbation of the next general meeting.

VII.—Three meetings of the Council shall be held in every year, on the first Tuesday in the months of March, June, and December; and the place and hour of meeting shall be fixed by the Council, and communicated by the Secretary to the members of the Council.

VIII.—The meeting in June shall be the anniversary, to which all the members of the Society shall be convened by the Secretary.

IX.—The Secretary shall convene extraordinary meetings of the Council, on a requisition to that effect, signed by not less than five members of the Council, being presented to him.

X.—Members may be elected by ballot at any of the ordinary meetings, according to priority of application, upon being proposed in writing by three existing members. One black ball in ten shall exclude.

XI.—Each member shall pay in advance to the Treasurer the annual sum of one guinea. If any member's subscription shall be in arrear for two years, and he shall neglect to pay his subscription after having been reminded by the Treasurer, he shall be regarded as having ceased to be a member of the Society.

XII.—The money raised by the Society shall be expended in publishing such compositions, in their original language, or in a translated form, as come within the scope of this Society, without limitation of time with reference to the period of their respective authors. All editorial and other expenses to be defrayed by the Society.

XIII.—One volume, at least, in a closely printed octavo form, shall be supplied to each member of the Society every year, free of expense.

XIV.—If the funds of the Society in any year will permit, the Council shall be at liberty to print and furnish to the members, free of expense, any other volume or volumes of the same character, in the same or a different form.

XV.—The number of copies of each publication, and the selection of a printer and publisher, shall be left to the Council, who shall also fix the price at which the copies, not furnished to members, shall be sold to the public.

XVI.—The armorial bearings of Mr. Surtees, and some other characteristic decoration connecting the Society with his name, shall be used in each publication.

XVII.—A list of the officers and members, together with an account of the receipts and expenses of the Society, shall be made up every year to the time of the annual meeting, and shall be submitted to the Society to be printed and published with the next succeeding volume.

XVIII.—No alteration shall be made in these rules except at an annual meeting. Notice of any such alteration shall be given, at least as early as the ordinary meeting of the Council immediately preceding, to be communicated to each member of the Society.

PUBLICATIONS OF THE SURTEES SOCIETY,

WITH THEIR RESPECTIVE SALE PRICES.

N.B.—Of several of these Volumes the number of copies on hand is very small; some will not be sold except to Members of the Society under certain conditions, and all applications for them must be made to the Secretary.

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1. Reginaldi Monachi Dunelmensis Libellus de Admirandis Beati Cuthberti Virtutibus. 15s. Edited by Dr. Raine.
2. Wills and Inventories, illustrative of the History, Manners, Language, Statistics, etc., of the Northern Counties of England, from the Eleventh Century downwards. (Chiefly from the Registry at Durham.) Vol. I. Edited by Dr. Raine. (*Only sold in a set.*)
3. The Towneley Mysteries, or Miracle Plays. 15s. Edited by Mr. James Gordon. The Preface by Joseph Hunter, F.S.A.
4. Testamenta Eboracensia; Wills illustrative of the History, Manners, Language, Statistics, etc., of the Province of York, from 1300 downwards. Vol. I. 30s. Edited by Dr. Raine.
5. Sanctuarium Dunelmense et Sanctuarium Beverlacense; or, Registers of the Sanctuaries of Durham and Beverley. 15s. Edited by Dr. Raine. The Preface by the Rev. T. Chevallier.
6. The Charters of Endowment, Inventories, and Account Rolls of the Priory of Finchale in the County of Durham. 15s. Edited by Dr. Raine.
7. Catalogi Veteres Librorum Ecclesiæ Cathedralis Dunelm. Catalogues of the Library of Durham Cathedral at various periods, from the Conquest to the Dissolution; including Catalogues of the Library of the Abbey of Hulme, and of the MSS. preserved in the Library of Bishop Cosin at Durham. 10s. Edited by Dr. Raine. The Preface by Beriah Botfield, Esq.
8. Miscellanea Biographica; a Life of Oswin, King of Northumberland; Two Lives of Cuthbert, Bishop of Lindisfarne; and a Life of Eata, Bishop of Hexham. 10s. Edited by Dr. Raine.
9. Historiæ Dunelmensis Scriptores Tres. Gaufridus de Coldingham, Robertus de Greystanes, et Willelmus de Chambre, with the omissions and mistakes in Wharton's edition supplied and corrected, and an Appendix of 665 original Documents, in illustration of the Text. 15s. Edited by Dr. Raine.
10. Rituale Ecclesiæ Dunelmensis; a Latin Ritual of the Ninth Century, with an interlinear Northumbro-Saxon Translation. 15s. Edited by the Rev. J. Stevenson.
11. Jordan Fantosme's Anglo-Norman Chronicles of the War between the English and the Scots in 1173 and 1174. Edited, with a Translation, Notes, etc., by Francisque Michel, F.S.A. 15s.
12. The Correspondence, Inventories, Account Rolls, and Law Proceedings of the Priory of Coldingham. 15s. Edited by Dr. Raine.
13. Liber Vitæ Ecclesiæ Dunelmensis; necnon Obituaria duo ejusdem Ecclesiæ. 10s. Edited by Rev. J. Stevenson.
14. The Correspondence of Robert Bowes, of Aske, Esq., Ambassador of Queen Elizabeth to the Court of Scotland. 15s. Edited by Rev. J. Stevenson.
15. A Description or Briefe Declaration of all the Ancient Monuments, Rites, and Customs belonging to, or being within, the Monastical Church of Durham, before the Suppression. Written in 1593. 10s. Edited by Dr. Raine.
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20. Libellus de Vita et Miraculis S. Godrici, Heremitæ de Finchale, auctore Reginaldo, Monacho Dunelmensi. 15s. Edited by Rev. J. Stevenson.

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1. The Chartulary of Whitby. Now being prepared by Rev. J. C. Atkinson.
2. The York Breviary. Now being prepared by Hon. and Rev. Stephen Lawley.
3. The Account Rolls and Charters of Ripon Minster. Now being prepared by Rev. J. T. Fowler.
4. The Letters and Papers of Thomas Comber, D.D., Dean of Durham. Now being prepared by Rev. George Ornsby.
5. The Poems of Lawrence of Durham, sæc. xii. Now being prepared by the Secretary.
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7. The Correspondence of William Stukeley, the Antiquary. To be edited by Rev. W. C. Lukis.
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10. The Lords of the Soil of the County of Durham, from the earliest period to the Reformation, comprising the descent of the estates, with engravings of seals, etc. To be edited by Mr. W. H. D. Longstaffe and Rev. W. Greenwell.
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20. The Charters, Account Rolls, and Chrenicle of Selby Abbey.
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27. A Glossary of Ancient North Country Words to illustrate and explain, especially, the Works already published by this Society.

LIST OF OFFICERS AND MEMBERS, 1879.

PATRON AND PRESIDENT.

His Grace the Duke of Buccleuch and Queensberry, K.G., etc.

VICE-PRESIDENTS.

Edward Akroyd, Bank Field, Halifax.
Robert Henry Allan, F.S.A., Blackwell Grange, Darlington.
J. W. Barnes, Durham.
John Booth, Durham.
James Crossley, F.S.A., President of the Chetham Society, Manchester.
Rev. John Cundill, B.D., Durham.
John F. Elliot, Elvet Hill, Durham.
John Fawcett, Durham.
Rev. J. T. Fowler, M.A., F.S.A., Durham.
Rev. William Greenwell, M.A., F.R.S., F.S.A., Durham.
Edwin Guest, LL.D., Master of Caius College, Cambridge.
Edward Hailstone, F.S.A., Walton Hall, Wakefield.
William Henderson, Ashford Court, Ludlow.
Rev. W. G. Henderson, D.C.L., Leeds.
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The Very Rev. W. C. Lake, D.D., Dean of Durham.
W. H. D. Longstaffe, Gateshead.
Rev. H. R. Luard, M.A., Cambridge.
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T. W. U. Robinson, F.S.A., Houghton-le-Spring, Durham.
Rev. Professor Stubbs, D.D., Oxford.
Rev. C. T. Whitley, M.A., Bedlington, Newcastle-on-Tyne.

SECRETARY.

Rev. James Raine, M.A., York.

TREASURER.

Samuel Rowlandson, Durham.

MEMBERS, WITH THE DATES OF THEIR ADMISSION.*

Richard Abbay, Great Ouseburn, York. 13th December, 1861.
The Lord Acton, Aldenham Park, Bridgenorth. 17th June, 1861.
Rev. E. H. Adamson, M.A., St. Alban's Parsonage, Gateshead. 14th Dec., 1860.
Edward Akroyd, F.S.A., Bank Field, Halifax. 15th December, 1859. (*Vice-President*, 1866-1879.)
William Aldam, Frickley Hall, Doncaster. 13th December, 1862.
Robert Henry Allan, F.S.A., Blackwell Grange, Darlington. (*Treasurer*, 1834-1844. *Vice-President*, 1844-1879.)†

* The number of three hundred and fifty members, to which the Society is limited, is generally full. Judging from past experience, there will be ten or twelve vacancies every year, and these will be regularly filled up. New Members will be elected by the Council according to priority of application, unless the son or representative of a deceased Member wishes to be chosen in his place. This list is corrected up to June, 1879.

† Those gentlemen to whose names a cross is appended have been Members of the Society since its foundation in 1834.

A. S. Allen, Sheen Lodge, Richmond, Surrey. 3rd Dec., 1878.
W. A. Tyssen Amherst, Didlington Hall, Brandon, Norfolk. 1st Dec., 1868.
The Society of Antiquaries, London. 1st March, 1864.
The Society of Antiquaries, Newcastle-on-Tyne. 24th September, 1853.
John Reed Appleton, F.S.A., Western Hills, Durham. 15th December, 1859.
George John Armytage, Kirklees Park, Brighouse. 2nd June, 1868.
Rev. A. R. Ashwell, Canon of Chichester. 1st December, 1868.
Rev. J. C. Atkinson, Danby, Yarm. 7th December, 1869.
J. E. Backhouse, The Rookery, Middleton Tyas, Richmond. 5th June, 1877.
J. E. Bailey, F.S.A., Egerton Villa, Stretford, Manchester. 3rd June, 1879.
Charles Baker, F.S.A., 11 Sackville Street, London. 13th December, 1861.
E. B. Wheatley Balme, Cote Walls, Mirfield. 8th December, 1863.
Fairless Barber, F.S.A., Secretary of the Yorkshire Archæological Society, Castle Hill, Rastrick, Brighouse. 7th March, 1871.
Rev. J. Barmby, B.D., Pittington, Durham. March 4th, 1873.
J. W. Barnes, Durham. 7th March, 1865. (*Vice-President*, 1870-1879.)
William Beamont, Oxford Hall, Warrington. 28th December, 1843.
Wentworth B. Beaumont, M.P., Bretton Hall, Wakefield. 14th March, 1862.
Alfred Bell, 49 Lincoln's Inn Fields, London. 31st March, 1849.
George Bell, York Street, Covent Garden, London. 31st March, 1864.
Isaac Lowthian Bell, M.P., F.R.S., Rounton Grange, Northallerton, 4th Dec., 1877.
Rev. W. R. Bell, Mickleton Vicarage, Darlington. June 1st, 1869.
The Imperial Library, Berlin. 14th March, 1863.
The Birmingham Free Library. March 3rd, 1874.
Edmund Bishop, 4 Lancaster Terrace, Regent's Park, London. 1st Dec., 1874.
Sir Edward Blackett, Bart., Matfen, Newcastle-on-Tyne. 15th Dec., 1859.
Robert Blair, South Shields. 4th Dec., 1877.
John Booth, Durham. 18th June, 1862. (*Vice-President* and *Local Secretary*, 1864-1879.)
The Boston Athenæum, U.S.A. 1st March, 1870.
The Library of the Peabody Institute, Boston, U.S.A. 4th March, 1873.
Rev. W. Consitt Boulter, F.S.A., Seaford, Malvern Link. June 1st, 1869.
John Bowes, Streatlam Castle, Durham.†
Robert Bowes, Cambridge. 5th March, 1878.
Richard Bowser, Bishop Auckland. 14th March, 1863.
Rev. Canon Boyd, M.A., Rector of Arncliffe, Skipton-in-Craven. 7th March, 1865.
The Viscount Boyne, Brancepeth Castle, Durham. 4th June, 1873.
William Bragge, F.S.A., Shirle Hill, Hamstead Road, Birmingham. 1st Dec., 1874.
Thomas Brooke, Armitage Bridge, Huddersfield. 14th Dec. 1860.
Douglas Brown, Q.C., 7 Marloe's Road, Kensington, London. 11th Mar., 1858.
Rev. John Collingwood Bruce, LL.D., F.S.A., etc., Secretary of the Society of Antiquaries, Newcastle-on-Tyne. 6th June, 1856.
George Buchannan, Whitby. 6th June, 1876.
The Duke of Buccleuch and Queensberry, K.G., etc., Dalkeith. (*The first President of the Society*, 1834-1837. *President*, 1865-1879.)†
Rev. W. E. Buckley, M.A., Middleton Cheney, Banbury. 13th March, 1851.
Robert Anthony Burrell, Durham. 17th June, 1861.
Thomas Burton, Turnham Hall, Selby. December, 1857.
C. H. Cadogan, Brinkburn Priory, Morpeth. June 4th, 1867.
Rev. Thomas Calvert, B.A., 92 Lansdown Place, Brighton. 13th Dec. 1862.
The Library of Christ's College, Cambridge. 13th December, 1862.
The Library of Trinity College, Cambridge. 5th June, 1866.
Rev. T. W. Carr, Barming Rectory, Maidstone. 13th December, 1861.
William Carr, Little Gomersal, Leeds. 5th December, 1865.
Rev. Reginald Arthur Cayley, Scampton Rectory, Lincoln. 13th Dec., 1861.
William Chadwick, Arksey, Doncaster. 5th December, 1865.
Edmund Chambers, The Hurst, Alfreton, Derbyshire. 7th December, 1869.

Rev. J. H. Chapman, Union Club, Trafalgar Square, London, S.W. 6th March, 1877.
Rev. James Allan Charlton, Gosforth, Newcastle-on-Tyne. 8th Dec., 1853.
William Henry Charlton, Hesleyside, Bellingham. 31st May, 1849.
Rev. Edward Cheese, Haughton-le-Skerne, Darlington. 6th Dec., 1870.
G. D. A. Clark, Belford Hall, Belford. 1st Dec., 1874.
Rev. John Haldenby Çlarke, M.A., West Dereham, Brandon, Norfolk. 5th December, 1865.
J. W. Clay, Rastrick, Brighouse. 2nd June, 1868.
John Clayton, The Chesters, Hexham. 8th December, 1853.
The Duke of Cleveland, Raby Castle, Staindrop. September, 1841.
Rev. H. G. Wandesford Comber, York. March 2nd, 1875.
Thomas Comber, Newton-le-Willows, Lancashire. June 1st, 1875.
Rev. Provost Consitt, Durham. 1st June, 1869.
Philip Bryan Davies Cooke, F.S.A., Owston Hall, Doncaster. 6th Dec., 1870.
W. H. Cooke, M.A., Q.C., F.S.A., 42 Wimpole Street, London. 6th June, 1855.
The Royal Library at Copenhagen. 14th March, 1863.
John Coppin, Bingfield House, Corbridge-on-Tyne. 2nd June, 1874.
The Right Rev. Bishop Cornthwaite, Leeds. 1st Dec., 1874.
Rev. G. E. Corrie, D.D., Master of Jesus College, Cambridge. 28th December, 1837.
Joseph Crawhall, Newcastle-on-Tyne. 3rd March, 1868.
R. Cross, Melford House, Bakewell. 6th December, 1864.
James Crossley, F.S.A., President of the Chetham Society, Stocks House, Chetham Hill, Manchester. 11th March, 1858. (*Vice-President*, 1861-1879.)
Matthew T. Culley, Copeland Castle, Wooller. 13th December, 1861.
Rev. John Cundill, B.D., Perpetual Curate of St. Margaret's, Durham. 31st May, 1849. (*Vice-President*, 1849-1879.)
Rev. James J. Dand, Chevington, Acklington. 6th June, 1876.
Rev. J. W. Darnbrough, M.A., Rector of South Otterington, Thirsk. 6th Dec., 1864.
Rev. William Darnell, Bambro', Belford. 5th December, 1865.
Rev. H. Deane, St. John's College, Oxford. 2nd Dec., 1873.
Robert Richardson Dees, Wallsend, Newcastle-on-Tyne. 15th Dec., 1859.
John Norton Dickons, Solicitor, Bradford. June 4th, 1873.
William Dodd, New Bridge Street, Newcastle-on-Tyne. 1st Dec., 1868.
George Dodsworth, The Mount, York. 13th Dec., 1862.
Rev. W. W. Douglas, M.A., Salwarpe, Droitwich. 7th Nov. 1865.
Sir George Duckett, Bart., Newington House, Wallingford, Oxon. 7th Dec., 1869.
The Hon. and Very Rev. Augustus Duncombe, D.D., Dean of York. 15th Dec., 1859.
The Lord Bishop of Durham, Auckland Castle. 3rd June, 1879.
The Library of the Dean and Chapter of Durham. 1st June, 1869.
The Library of the University of Durham. 16th June, 1858.
The Advocates' Library, Edinburgh. 13th March, 1851.
The Signet Library, Edinburgh. 6th December, 1864.
Rev. Joseph Edleston, D.C.L., Vicar of Gainford, Darlington. 8th Dec., 1863.
John F. Elliot, Elvet Hill, Durham. 12th July, 1836. (*Vice-President*, 1849-1879.)
Edmund Viner Ellis, Gloucester. 17th June, 1861.
William Viner Ellis, Gloucester. 30th December, 1858.
Ralph Carr Ellison, Dunstan Hill, Gateshead. 26th Dec., 1844.
Charles Elsley, New Buildings, Thirsk. 5th Dec., 1865.
The Most Rev. Archbishop Eyre, Beamont Gardens, Glasgow. 11th Dec., 1856.
F. R. Fairbank, M.D., Doncaster. 3rd Dec., 1878.
James Farrer, Ingleboro', Lancaster. 31st May, 1849.
Miss ffarrington, Worden Hall, Preston. 14th Dec., 1860.

John Fawcett, Durham. 29th Sept., 1842. (*Vice-President*, 1843-1879.)
R. S. Ferguson, M.A., F.S.A., Lowther Street, Carlisle. 7th Dec., 1875.
Gerard Ford, 8 Lincoln's Inn Fields, London. 5th Dec., 1865.
Joseph Foster, Boundary Road, St. John's Wood, London. 1st Dec., 1874.
Rev. J. T. Fowler, M.A., F.S.A., Bishop Hatfield's Hall, Durham. June 4th, 1872. (*Vice-President*, 1872-1879. *Assistant-Secretary*, 1872-1879.)
The Viscount Galway, M.P., Serlby Hall, Bawtry. 4th Dec., 1877.
William Garnett, Quernmore Park, Lancaster. 5th Dec., 1876.
Alfred Scott Gatty, Ecclesfield, Sheffield. 7th March, 1876.
Henry H. Gibbs, St. Dunstan's, Regent's Park, London. 15th Dec., 1859.
The Library of the University of Glasgow. March 3rd, 1874.
The Mitchell Library, Glasgow. 4th Dec., 1877.
The University of Göttingen. 8th Dec., 1863.
William Grainge, Harrowgate. 25th Feb., 1859.
William Gray, York. 15th March, 1860.
Rev. William Greenwell, M.A , F.R.S., F.S.A., Librarian of the Dean and Chapter of Durham. 28th Sept., 1843. (*Treasurer*, 1843-1849. *Vice-President*, 1849-1879.)
John Beswicke Greenwood, Dewsbury Moor House, Dewsbury. 14th Dec., 1860.
Edwin Guest, LL.D., F.S.A., etc., Master of Caius College, Cambridge. (*Vice-President*, 1856-1879.)†
Edward Hailstone, F.S.A., Walton Hall, Wakefield. May, 1846. (*Vice-President*, 1874-1879.)
Philip Charles Hardwick, F.S.A., 2 Hereford Gardens, Park Lane, London. 14th March, 1850.
William Harrison, Ripon. June 2nd, 1868.
Alfred Heales, F.S.A., Doctors' Commons, London. 3rd Dec., 1867.
Henry Healey, Smallbridge, Rochdale. 14th Dec., 1860.
John Carlen Heath, 11 Westbourne Crescent, London. June 4th, 1873.
William Henderson, Ashford Court, Ludlow. 27th May, 1847. (*Treasurer*, 1847-1858. *Vice-President*, 1858-1879.)
W. D. Henderson, Victoria Street, Belfast. 7th March, 1876.
Rev. W. G. Henderson, D.C.L., Head Master of Leeds Grammar School. 31st May, 1849. (*Secretary*, 1849-1852. *Vice-President*, 1872-9.)
Farrer Herschell, Q.C., M.P., 3 Harcourt Buildings, Temple, London.
The Ven. Archdeacon Hey, M.A., York. 14th March, 1862.
J. R. Westgarth Hildyard, Hutton Bonville Hall, Northallerton. 1st December, 1868.
Rev. James F. Hodgson, Staindrop, Darlington. 6th Dec., 1864.
Richard Wellington Hodgson, North Dene, Gateshead. 11th Dec., 1856.
Rev. Henry Holden, D.D., Head Master of Durham Grammar School. 16th June, 1858.
Rev. H. C. Holmes, Birkby Rectory, Northallerton. 4th Dec., 1877.
John Dickonson Holmes, Barnardcastle. 4th June, 1867.
A. J. Beresford Hope, M.P., F.S.A., etc., Connaught Place, Hyde Park, London. 15th Dec., 1859.
Rev. H. J. Hotham, M.A., Trinity College, Cambridge. 5th Dec., 1871.
The Lord Hotham, Dalton Holme, Hull. December 3rd, 1872.
The Lord Houghton, Fryston Hall, Ferrybridge. 30th December, 1858. (*Vice-President*, 1876-1879.)
Hon. and Rev. W. W. Howard, Canon of York, Whiston Rectory, Rotherham. 1st Dec., 1868.
W. E. Howlett, Kirton-in-Lindsey. 5th December, 1871.
Fretwell W. Hoyle, F.G.H.S., Eastwood Lodge, Rotherham. 14th Dec., 1860.
Henry Arthur Hudson, Bootham, York. 7th March, 1865.
William Hughes, 24 Wardour Street, London. 7th March, 1865.
The Hull Subscription Library. 14th March, 1862.
Mrs. Humble, Athole Street, Perth. 4th March, 1879.

Richard Charles Hussey, F.S.A., Harbledown, Canterbury. 12th July, 1836.
Edward Hutchinson, Darlington. 7th Dec., 1869.
Joseph Hutchinson, Durham. 6th Dec., 1864.
Joshua H. Hutchinson, 42 Lancaster Gate, London. 5th March, 1878.
John Hutton, Solberge, Northallerton. 4th June, 1878.
Rev. Dr. Hymers, Brandesburton, Beverley. 30th. Dec., 1858.
Sir Henry Ingilby, Bart., Ripley Castle, Ripley. 15th Dec., 1859.
Henry Ingledew, Newcastle-on-Tyne. 1st March, 1864.
Charles Jackson, Doncaster. 14th Dec., 1860. (*Local Secretary*, 1863-1879.)
William Jackson, Fleetham House, St. Bees, Whitehaven. 7th March, 1865.
Sir Walter James, Bart., Betteshanger, Sandwich. 5th Dec., 1865.
Henry Jenkyns, Riverside, Palace Road, East Moulsey. 4th March, 1879.
Rev. J. Johnson, Hutton Rudby, Yarm. 11th Dec., 1856.
Rev. J. W. Kemp, M.A., St. John's, Kennington. 8th Dec., 1853.
John Henry Le Keux, Durham. 13th Dec., 1861.
John Kidson, Solicitor, Sunderland. June 4th, 1873.
Rev. Francis Kirsopp, Hexham. 7th March, 1865.
Rev. C. Knowles, Wintringham, Brigg. 1st Dec., 1874.
The Very Rev. W. C. Lake, D.D., Dean of Durham. 1st March, 1870. (*Vice-President*, 1870-1879.)
The Hon. and Rev. Stephen Willoughby Lawley, M.A., Cranleigh, Guildford. 8th Dec., 1863.
William Lawton, Nunthorp, York. 1st March, 1870.
Edward Leadbitter, The Spital, Hexham. 1st Dec., 1874.
J. D. Leader, F.S.A., Sheffield. 7th Dec., 1875.
John T. Leather, Middleton Hall, Belford. 9th Dec., 1869.
The Leeds Library. 11th Dec., 1856.
Rev. Thomas Lees, Wreay Vicarage, Carlisle. 6th June, 1871.
William Lees, Manchester. 1st Dec., 1874.
The Liverpool Athenæum. 6th June, 1855.
The Liverpool Free Library. March 3rd, 1874.
The London Library, 12 St. James's Square, London. 13th March, 1851.
The Library of the Athenæum Club, Pall Mall, London. 13th Dec., 1861.
The Honourable Society of Gray's Inn, London. 2nd June, 1874.
The Guildhall Library, London. 1st Dec., 1874.
The Honourable Society of Lincoln's Inn, London. 13th March, 1851.
The Library of the Royal Institution, London. 4th June, 1872.
The Library of Sion College, London. December, 1857.
The Statistical Society, 12 St. James's Square, London. 30th Dec., 1858.
The Honourable Society of the Inner Temple, London. 3rd Dec., 1867.
The Honourable Society of the Middle Temple, London. 1st Dec., 1868.
The Marquess of Londonderry, Wynyard, Durham. 17th March, 1855.
William Hylton Dyer Longstaffe, Gateshead. 17th March, 1855. (*Vice-President*, 1859-1879. *Local Secretary*, 1858-1879.)
Rev. J. L. Low, M.A., Whittonstall Vicarage, Gateshead. 16th June, 1858.
Rev. Henry Richards Luard, M.A., Registrary of the University of Cambridge. 24th June, 1850. (*Vice-President*, 1878-9.)
Rev. J. R. Lumby, M.A., Magdalen College, Cambridge. 5th March, 1872.
David Macbeath, Old Charlton, Kent. 15th March, 1860.
Rev. W. C. Macfarlane, M.A., Dorchester, Wallingford. 7th June, 1864.
John Whiteford Mackenzie, W.S., Vice-President S.A. Scotland, and M.R.S.N.A. Cop., 16 Royal Circus, Edinburgh. 14th July, 1835.
R. Bownas Mackie, St. John's, Wakefield. 7th March, 1871.
Messrs. Macmillan and Co., Cambridge. 7th March, 1865.
Henry Maddison, The Lindens, Darlington. 7th March, 1871.
The Chetham Library, Manchester. December, 1857.
The Manchester Free Library. 3rd December, 1867.
The Library of Owen's College, Manchester. 7th March, 1871.

James Melrose, Clifton Croft, York. 7th December, 1875.
John Henry Metcalfe, 28 Well Walk, Hampstead, London. 6th June, 1871.
Walter Charles Metcalfe, F.S.A., Epping, Essex. 13th December, 1862.
J. T. Micklethwaite, F.S.A., Delahay Street, Great George Street, London. 1st December, 1874.
R. Middlemas, Solicitor, Alnwick. 2nd December, 1873.
Samuel Milne Milne, Calverley House, Leeds. 3rd December, 1878.
E. J. Monk, Mus. Doc., York. 6th December, 1864.
C. T. J. Moore, Frampton Hall, Boston. 25th February, 1859.
H. J. Morehouse, Stoney Bank, Huddersfield. 3rd December, 1867.
M. T. Morrall, Balmoral House, Matlock Bank, Derbyshire. 16th March, 1861.
Robert Wilson Morrell, Bolton Lodge, Bradford. 3rd March, 1874.
W. W. Morrell, York. 3rd March, 1868.
Walter Morrison, Bell Bush, near Leeds. 1st March, 1864.
R. H. Mounsey, Carlisle. 2nd June, 1874.
The Royal Library at Munich. 14th March, 1863.
W. Magson Nelson, Wood Lea, Cliff Road, Leeds. 4th June, 1867.
The Literary and Philosophical Society, Newcastle-on-Tyne. 17th March, 1855.
William Newmarch, F.R.S., Bent House, Nightingale, Clapham Common, London. 7th March, 1871.
William Newsome, Major R.E., Gravesend. 7th December, 1869.
Thomas S. Noble, Lendal, York. 5th December, 1865.
Rev. Charles Best Norcliffe, M.A., Langton Hall, Malton. 12th March, 1852.
The Duke of Northumberland, Alnwick Castle. 6th June, 1865.
John R. Ord, Haughton Hall, Darlington. 30th December, 1859.
Rev. George Ornsby, M.A., F.S.A., Canon of York, Fishlake, Doncaster. 24th June, 1858. (*Vice-President*, 1873-1879).
St. Mary's College, Oscott. 4th December, 1877.
Rev. Sir F. A. G. Ouseley, Bart., M.A., Christ Church, Oxford. 11th Dec., 1856.
The Library of Exeter College, Oxford. 5th March, 1878.
The Library of St. John's College, Oxford. 14th March, 1863.
The Library of Magdalen College, Oxford. 18th June, 1862.
The Library of Queen's College, Oxford. 2nd March, 1875.
W. H. Parker, Newcastle-on-Tyne. 5th March, 1878.
Rev. T. Parkinson, North Otterington, Northallerton. 5th March, 1872.
J. W. Pashley, Morton Hall, Gainsborough. 4th December, 1877.
Edward Peacock, F.S.A., Bottesford Manor, Brigg. 10th June, 1857.
Albert H. Pearson, Harford Place, Hyde Park, London. 4th June, 1867.
Joseph Whitwell Pease, M.P., Hutton Hall, Guisborough. 6th June, 1876.
Richardson Peele, Durham. 1st June, 1869.
George Peile, Greenwood, Shotley Bridge. 7th March, 1865.
Richard Lawrence Pemberton, Hawthorn Tower, Seaham. 13th December, 1855. (*Vice-President*, 1857-1879.)
Hugh Penfold, Rustington, Littlehampton. 14th March, 1862.
James Stovin Pennyman, Ormesby Park End, Middlesbro'. 8th December, 1853.
The Imperial Library of St. Petersburgh. 14th March, 1863.
Rev. G. H. Phillips, M.A., Canon of York, Brodsworth, Doncaster. 30th December, 1858.
T. R. M. Plews, The Woodlands, Darlington. 5th March, 1878.
Sir Henry Pottinger, Bart., The Hermitage, Chester-le-street. 3rd June, 1879.
Francis S. Powell, Old Horton Hall, Bradford. 7th June, 1864.
The Ven. Archdeacon Prest, The College, Durham. 7th June, 1864.
John Proud, Bishop Auckland, Durham. 6th June, 1871.
Mrs. Pulleine, Clifton Castle, Bedale. 3rd June, 1879.
Charles de la Pryme, Reform Club, London. 7th December, 1869.
James Raine, Durham. 4th June, 1872.
Rev. James Raine, M.A., Canon of York, York. 12th March, 1852. (*Secretary*, 1854-1879).

J. R. Raines, Burton Pidsea, Hull. 14th December, 1860.
Sir John William Ramsden, Bart., M.P., Byram Hall, South Milford, Yorkshire. 14th March, 1862.
Peter Redpath, Montreal. 6th June, 1876.
Godfrey Rhodes, Westhaugh, Pontefract. 1st March, 1864.
Henry Richardson, Solicitor, Penrith. 2nd June, 1874.
The Proprietors of the Ripon Public Rooms. 14th December, 1860.
The Library of the Dean and Chapter of Ripon. 3rd March, 1874.
The Marquess of Ripon, Studley Royal, Ripon. 15th December, 1859.
William Rivington, 29 Phillimore Gardens, London. 15th December, 1859.
T. W. U. Robinson, F.S.A., Houghton-le-Spring, Durham. 14th December, 1860. (*Vice-President*, 1876-1879.)
Henry Robson, Durham. 5th June, 1877.
Rev. Thomas Rogers, Durham. 2nd June, 1874.
Samuel Rowlandson, Durham. September, 1841. (*Treasurer*, 1858-1879.)
J. B. Rudd, Tollesby Hall, Middlesborough. 13th March, 1857.
George Rutland, Blackett Street, Newcastle-on-Tyne. 2nd Dec., 1873.
John Sampson, York. December, 1857.
Simon Thomas Scrope, Danby Hall, Bedale. 16th June, 1858.
The Trustees of Dr. Shepherd's Library, Preston. 6th December, 1864.
G. R. Sheraton, Sedgefield, Durham. 1st December, 1868.
The Free Library, South Shields. 1st June, 1875.
Henry Silvertop, Minsteracres, Gateshead. 21st May, 1849.
Rev. T. F. Simmons, M.A., Canon of York, Dalton Holme, Beverley. 7th December, 1869.
Rev. J. Simpson, LL.D., Kirkby Stephen. 2nd December, 1873.
R. H. Skaife, Holgate Road, York. 6th December, 1864.
Philemon Slater, Yeadon, Leeds. 7th December, 1869.
F. W. Slingsby, Ravenshaw, Skipton, Yorkshire. 3rd December, 1878.
J. C. C. Smith, The Probate Court, Somerset House, London. 3rd December, 1872.
Mrs. George Taylor Smith, Broadwood Park, Lanchester. 7th June, 1870.
Thomas Taylor Smith, Urpeth Hall, Chester-le-Street. 4th March, 1873.
George F. Smurthwaite, Richmond, Yorkshire. 4th March, 1879.
George Stephens, Professor of English Literature in the University of Copenhagen. 24th September, 1853.
The Library of St. John's College, Stonyhurst. 4th March, 1873.
Rev. Canon Stubbs, D.D., Professor of Modern History in the University of Oxford. 13th March, 1851. (*Local Secretary*, 1862-1879. *Vice-President*, 1869-1879).
Charles Freville Surtees, Mainsforth, Durham. 15th December, 1859.
Henry Edward Surtees, The Grove, Bishop Auckland. 10th June, 1857.
Lady Surtees, Silkmore House, Stafford. 2nd June, 1868.
Miss Surtees, Hamsterley Hall, Gateshead. 4th June, 1873.
Rev. Scott F. Surtees, M.A., Sprotborough Rectory, Doncaster. 14th December, 1860.
William Edward Surtees, M.A., Tainfield House, Taunton. 15th March, 1860.
Sir John Swinburne, Bart., Capheaton, Morpeth. 5th June, 1866.
G. E. Swithinbank, 15 Clifford's Inn, London. 14th December, 1860.
Christopher Sykes, M.P., Brantingham-Thorpe, Hull. 15th December, 1859.
John Sykes, M.D., Doncaster. 24th June, 1859.
Sir Henry Taylor, Colonial Office, London. 6th June, 1852.
Rev. H. Berkeley Taylor, The Abbey, Shrewsbury. 1st June, 1875.
Thomas Greenwood Teale, Leeds. 8th December, 1853. (*Local Secretary*, 1862-1879).
A. C. Tempest, Ashby Lodge, Rugby. 3rd June, 1879.
Wilfred Tempest, Eaton Villa, Warwick Place, Leamington. 4th December, 1866.

F. J. Thairlwall, 169 Gloucester Road, Regent's Park, London. 3rd Dec., 1875.
Henry Thompson, 89 Jesmond Road, Newcastle-on-Tyne. 4th June, 1873.
Mrs. M. B. Thompson, The Grove, Allerton, Liverpool. 3rd March, 1874.
Lady Mary Thompson, Cliff End House, Scarborough. 3rd June, 1879.
Sir Nicholas William Throckmorton, Bart., Coughton Court, Bromsgrove. 13th December, 1862.
William Thwaites, Ripon. 7th June, 1864.
Charles Spilman Todd, F.S.A., Hull. 7th December, 1869.
John Townend, Shadsworth Hall, Blackburn. 4th March, 1879.
Rev. W. H. Trendell, Worlaby Vicarage, Brigg, Lincolnshire. 7th December, 1875.
Sir C. E. Trevelyan, Bart., Wallington, Newcastle-on-Tyne. 3rd June, 1879.
Rev. George Trevor, D.D., Canon of York, Beeford, Hull. 2nd December, 1873.
Rev. Canon Tristram, Durham. 6th June, 1876.
H. J. Trotter, Langton Grange, Gainford, Darlington. 4th June, 1867.
Charles Tucker, F.S.A., Marlands, Heavitree, Exeter. 16th December, 1852.
Edmund H. Turton, Upsall Castle, Thirsk. 13th December, 1861.
George Markham Tweddell, West Villas, Stokesley. 6th December, 1864.
The President of St. Cuthbert's College, Ushaw, Durham. September, 1838.
Robert T. J. Usher, Orchard House, Jesmond, Newcastle-on-Tyne. 2nd June, 1874.
Rev. W. Valentine, Whixley, York. 2nd June, 1874.
Rev. Philip Vavasour, St. Wilfrid's, Ripon. 8th December, 1862.
The Imperial Library, Vienna. 14th March, 1863.
Henry Wagner, F.S.A., 13 Half Moon Street, Piccadilly, London. 4th December, 1877.
Rev. John Wallace, D.D., 60 Carey Street, Lincoln's Inn, London. 1st December, 1868.
The Library of St. Edmund's College, Old Hall Green, Ware. 8th December, 1863.
Mrs. Waring, 2, Park Terrace, the Parks, Oxford. 4th March, 1879.
The Library of the Congress, Washington, U.S.A. 2nd December, 1873.
Rev. J. B. Wayte, Markington Hall, Ripley. 7th December, 1875.
Christopher M. Webster, Pallion, Bishopwearmouth. 15th December, 1858.
Rev. A. W. Wetherall, Stonegrave, York. 1st December, 1874.
E. A. White, F.S.A., Old Elvet, Durham. 5th December, 1876.
Rev. C. T. Whitley, M.A., Vicar of Bedlington, Newcastle-on-Tyne.† (*Vice-President*, 1836-1879).
John Whitwell, M.P., Kendal. 1st March, 1864.
Joseph Wilkinson, Town Clerk, York. 14th March, 1862.
Joseph Wilkinson, Victoria Road, Barnsley. June 4th, 1873.
Edmund Wilson, 8 Osborne Terrace, Leeds. 7th March, 1871.
E. J. Wilson, Melton, Brough, East Yorkshire. 2nd June, 1868.
Henry Wilson, The School, Malvern Link. 7th March, 1876.
Thomas Outterson Wood, Western Hill, Durham. 1st June, 1875.
Basil Thomas Woodd, M.P., Conyngham Hall, Knaresbro'. 8th December, 1863.
William Woodman, Stob Hill, Morpeth. 31st May, 1849.
Edward Wooler, Darlington. 3rd March, 1874.
W. A. Wooler, Sadberge Hall, Darlington. 3rd June, 1879.
J. P. Wright, Terrington, York. June 4th, 1873.
Yale College, Connecticut, U.S.A. 7th March, 1876.
The Lord Archbishop of York. 15th June, 1863.
The Library of the Dean and Chapter of York. 13th March, 1857.
The York Subscription Library. 16th March, 1861.
The Yorkshire Architectural Society. 7th March, 1871.
The Yorkshire Archæological Association. 3rd March, 1868.
The Earl of Zetland, Aske Hall, Richmond. 2nd June, 1874.

SAMUEL ROWLANDSON IN ACCOUNT WITH THE SURTEES SOCIETY.

From 1st January, 1875, to 31st December, 1876.

Dr.

Date		£	s.	d.
1875. Jan. 1.	To balance in hand of Treasurer, last account	510	8	8
1877. May.	To received of Messrs. Andrews and Co. for books sold for the year ending June, 1875	82	7	5
	To received of Messrs. Andrews and Co. for books sold for the year ending June, 1876	119	3	8
	To received Subscriptions from Members from 1st January, 1875, to 31st December, 1876..............	754	19	0
		£1466	18	9

Cr.

Date		£	s.	d.	£	s.	d.
1875.	York Manuel:—						
Sept. 18.	By paid McCorquodale and Co. for printing.........	141	8	3			
"	By paid the Rev. W. G. Henderson for editing ...	60	18	0			
Oct. 14.	By paid Leighton, Son, and Hodge for binding ...	17	19	2			
					220	5	5
	Autobiography of Mrs. Thornton:—						
Oct. 28.	By paid Mitchell and Hughes for printing............	132	3	6			
"	By paid Leighton, Son, and Hodge for binding ...	18	17	10			
Nov. 3.	By paid Mr. C. Jackson for editing.....................	50	0	0			
					201	1	4
	Ripon Act Book:—						
Dec. 15.	By paid Spottiswoode and Co. for printing	133	10	0			
Dec. 30.	By paid the Rev. J. T. Fowler for editing............	52	10	0			
1876. Feb. 6.	By paid Leighton, Son, and Hodge for binding ...	19	17	0			
June 5.	By paid J. H. Le Keux for engraving..................	9	5	0			
					215	2	0
	York Pontifical:—						
June 9.	By paid Mrs. Forbes for printing........................	116	4	3			
May 5.	By paid Leighton, Son, and Hodge for binding ...	19	18	0			
May 29.	By paid the Rev. Dr. Henderson for editing	57	15	0			
					193	17	3
	Miscellaneous Payments:						
June 10.	By paid the Rev. J. Raine, Secretary, allowance for 1875 and 1876				60		
1877. Feb. 1.	By paid Assistant Treasurer, Salary for 1875 and 1876...............				4	4	0
Feb. 22.	By paid Johnson and Co. for printing reports, etc.....................				8	2	6
"	By paid Durham Advertiser, printing circulars and receipts				1	19	0
May.	By paid Andrews and Co., expenses Vols. 61, 62, 63, and 64				64	4	0
	By paid ditto rent, postage, management, etc., for two years, ending June, 1876				38	8	1
	By paid postage stamps, stationery, etc., for Treasurer, two years				5	0	0
					£1012	3	7
May.	Balance due to the Society on this Account..............................				454	15	2
					£1466	18	9

1 March, 1879.—Examined and found correct.

(Signed) JOS. HUTCHINSON, RICHN. PEELE, } *Auditors.*

SAMUEL ROWLANDSON IN ACCOUNT WITH THE SURTEES SOCIETY.

From 1st January, 1877, to 31st December, 1878.

Dr.

Date		£	s.	d.
1877. Feby.	Balance on last account brought forward	454	15	2
1879. Mar. 4.	Received of Messrs. Andrews and Co. for books sold for year ending June, 1877	58	10	3
	Received of Messrs. Andrews and Co. for books sold for year ending June, 1878	63	3	1
	Received Subscriptions from Members from 1st January, 1877, to 31st December, 1878	805	7	0
		£1381	15	6

Cr.

Date		£	s.	d.	£	s.	d.
	Yorkshire Diaries:—						
June 4, 1877.	By paid Mr. C. Jackson for editing	64	18	1			
	By paid Mr. H. J. Morhouse for editing	15	0	0			
	By paid Spottiswoode and Co. for printing	163	6	6			
Aug. 20, 1877.	By paid Leighton, Son, and Hodge for binding	17	12	5	260	17	0
	Newminster Cartulary:—						
May 24, 1878.	By paid J. H. Le Keux, engraving seals	13	7	6			
June 22, 1878.	By paid the Rev. J. T. Fowler for editing	48	6	0			
Aug. 24, 1878.	By paid Spottiswoode and Co. for printing	127	0	0			
	By paid Leighton, Son, and Hodge for binding	16	10	3	205	3	9
	Lord W. Howard's Household Expenses:—						
Dec. 26, 1878.	By paid Gilbert and Rivington for printing				176	0	0
	Memorials of Fountains Abbey, Vol. II.:—						
Sept. 22, 1877.	By paid Johnson and Co., for seals, etc.	16	12	9			
Aug. 17, 1878.	By paid the Rev. James Raine, in part, for editing	10	0	0			
Feb. 17, 1879.	By paid ditto for Mrs. Walbran, balance of account	15	10	0	42	2	9
	Miscellaneous Payments:—						
Mar. 5, 1878.	By paid the Rev. C. B. Norcliffe expenses incurred in selling for the Society certain of its publications to the French Libraries	1	1	0			
July 3, 1878.	By paid the Rev. J. Raine, Secretary, allowance for 1877 and 1878	60	0	0			
Feb. 1879.	By paid the Durham County Advertiser for printing circulars	1	18	0			
	By paid for postage stamps and stationery for Treasurer, two years	5	0	0			
	By paid Assistant Treasurer, salary for 1877 and 1878	4	4	0			
	By paid Andrews and Co. expenses Vols. 65, 66, 67, and 68	57	3	8			
	By paid ditto, general expenses	43	7	4	172	14	0
					£856	17	6
Mar. 4, 1879.	Balance due to the Society on this Account				524	18	0
					£1381	15	6

5 March, 1879.—Examined and found correct.

(Signed) JOS. HUTCHINSON, RICHN. PEELE, } *Auditors.*